EFFECT OF LEGISLATION

BY

THE GOVERNOR OF BOMBAY IN COUNCIL

FOR THE YEAR 1906.

TABLE SHOWING THE

EFFECT OF LEGISLATION

BY

BOMBAY ACTS

IN THE YEAR 1906.

Repeals and Amendments effected by Bombay Acts, 1906.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
1	Bombay Act XII of 1866.	.....	For section 1 the following sections are substituted : "1. There shall be for the Province of Sind a Court of the Judicial Commissioner of Sind (hereinafter called the Court of the Judicial Commissioner) which shall be the highest Court of Appeal in civil and criminal matters in the said Province and which shall be the District Court and Court of Session of Karáchi. The Court of the Judicial Commissioner shall consist of three or, with the sanction of the Government of India, more Judges, one of whom shall be the Judicial Commissioner of Sind (hereinafter called the Judicial Commissioner) and the others Additional Judicial Commissioners. One of the Additional Judicial Commissioners shall be a barrister of not less than five years' standing. All Regulations, Acts, notifications and rules now in force and applying to the Sadar Court of Sind shall, so far as they are not inconsistent with this Act or with any notifications or rules hereafter duly published or made, be deemed to apply also to the Court of the Judicial Commissioner. "1A. The Judicial Commissioner and Additional Judicial Commissioners shall be appointed by the Local Government, by whom alone they shall be liable to be suspended or removed. They shall, within the District and Sessions Division of Karáchi, each of them exercise all the jurisdiction and have all the powers of a Judge of a District Court and of a Sessions Judge and all Regulations, Acts, notifications and rules now or hereafter in force and applying to the Judge of the District Court or Sessions Judge	Bombay Act I of 1906, section 2.

Repeals and Amendments effected by Bombay Acts, 1906—continued.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
1	Bombay Act XII of 1866 —*continued.*		of Karáchi shall, so far as they are not inconsistent with this Act or with any notifications or rules hereafter duly published or made, be deemed to apply also to each such Judicial Commissioner and Additional Judicial Commissioner."	
		.....	*Section 2.*—After the word "and" the words "save as hereinbefore provided" are inserted.	Bombay Act I of 1906, section 3.
		.....	*Section 6.*—For the expression "Sadar Court" the expression "Court of the Judicial Commissioner" is substituted.	*Id.*, section 9 (2).
		Section 7.—The whole section.	.....	*Id.*, section 4.
		.....	For section 9 the following section is substituted :—	*Id.*, section 5.
			"9. (*1*) It shall be competent to the Commissioner in Sind to suspend or to remove from office for misbehaviour or neglect of duty any Judge of a Subordinate Court.	
			(*2*) It shall be competent to the Court of the Judicial Commissioner to suspend from office any Judge of a Subordinate Court pending inquiry into his conduct.	
			(*3*) Any District Judge may, whenever he sees urgent necessity for so doing, suspend from office any Subordinate Judge under his control. But whenever the District Judge suspends any such Subordinate Judge he shall forthwith report the case to the Court of the Judicial Commissioner."	
		.....	After section 9 the following sections are inserted :—	Bombay Act I of 1906, section 6.
			"9A. In addition to any other powers to make rules expressly or by implication conferred by this or any other Act, the Court of the Judicial Commissioner may, with the sanction of the Local Government, from time to time make rules consistent with this Act and any other enactment for the time being in force	
			(*a*) for the exercise by one or more of the Judges of the said Court of the original and appellate jurisdiction vested in such Court :	
			provided that all appellate or revisional jurisdiction other than that of a District or Sessions Court shall be exercised by a Bench of not less than two Judges ;	
			(*b*) for the distribution of the civil and criminal business of the said Court, and	

Repeals and Amendments effected by Bombay Acts, 1906—continued.

1	2	3	4	
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
1	Bombay Act XII of 1866 —*continued.*		(*c*) for the determination of the holidays and vacations of the said Court. "9B. Section 575 of the Code of Civil Procedure shall not apply to the Court of the Judicial Commissioner. In that Court where any appeal is heard by a Bench of two or more Judges the appeal shall be decided in accordance with the opinion of such Judges or of the majority (if any) of such Judges. "Where there is no such majority which concurs in a judgment varying or reversing the decree appealed against, such decree shall be affirmed: provided that where the Bench hearing the appeal is composed of two Judges and the Judges composing the Bench differ in opinion as to the decision then the appeal may, in the discretion of the Judicial Commissioner, be either referred to a third Judge or reheard by a Bench of at least three Judges; where the appeal is so referred or reheard, it shall be decided according to the opinion of the majority, if any, of the Judges who have heard it, or, where there is no such majority which concurs in a judgment varying or reversing the decree appealed against, such decree shall be affirmed. "9C. Sections 378 and 429 of the Code of Criminal Procedure, 1898, shall not apply to the Court of the Judicial Commissioner. In that Court in a criminal matter where any appeal or any case submitted under section 374 of the Code of Criminal Procedure, 1898, is heard by a Bench of two Judges the appeal or case shall be decided in accordance with the opinion of such Judges, but where they differ the appeal or case shall, in the discretion of the Judicial Commissioner, be either referred to a third Judge and decided according to his opinion or, reheard by a Bench consisting of three Judges and decided according to the opinion of the majority of such Judges. "9D. A Judge of the Court of the Judicial Commissioner shall, when sitting in a Bench of three or more Judges of that Court as provided in section 9B or section 9C, but not otherwise, be competent to try any appeal against a	

Repeals and Amendments effected by Bombay Acts, 1906—continued.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
1	Bombay Act XII of 1866 —*continued.*	.....	judgment, decree or order passed by himself whether in a civil or criminal matter and to adjudicate upon any proceeding connected with, or arising out of, such judgment, decree or order notwithstanding anything contained in section 556 of the Code of Criminal Procedure, 1898. "9E. The Court of the Judicial Commissioner shall record evidence in such manner as it by rule with the sanction of the Local Government from time to time directs. Section 182 of the Code of Civil Procedure and section 356 of the Code of Criminal Procedure, 1898, shall not apply to any proceedings in such Court after such rule has been sanctioned."	
			For section 10 the following section is substituted :— "10. It shall be lawful for the Judicial Commissioner to appoint to the Court of the Judicial Commissioner and to the Subordinate Courts of the district of Karáchi, and for the Judge of a District Court of any other district to appoint to such Court, and to the Subordinate Courts of that district, so many and such officers as the Local Government, acting under the general control of the Government of India, shall from time to time direct, and, for misbehaviour or neglect of duty, to suspend or remove any such officer : provided that no officer who is in receipt of a monthly salary amounting to thirty rupees shall be removed without the sanction of the Judicial Commissioner ; and provided also that all messengers, peons and ministerial servants of a Subordinate Court may be appointed by the Judge of such Court and that all bailiffs, messengers, peons and ministerial servants of a Subordinate Court may be suspended or removed by the Judge of such Court, subject to appeal to the Judicial Commissioner in the case of the district of Karáchi and to the Judge of the District Court in the case of any other district.	Bombay Act of 1906, Section 7.
		.....	After section 15 the following section is inserted :— "15A. (*1*) The Court of the Judicial Commissioner shall have general control over all Courts which may be subject to its appellate jurisdiction and may, with	*Id.*, section 8.

Repeals and Amendments effected by Bombay Acts, 1906—continued.

1	2	3	4	5
Serial No.	Enactments affected.	Repeals.	Amendments.	Repealing or Amending Act.
1	Bombay Act XII of 1866—*continued.*	.....	the sanction of the Local Government, make rules for the supervision of the working of such Courts and for their visitation and inspection. (2) The Court of the Judicial Commissioner may, with similar sanction, make rules for the due exercise by the District Judges of the general control vested in them over all Civil Courts within their respective districts and for the visitation and inspection of such Courts by the District Judges or their assistants."	
		.....	*Section 16.*—For the expression "Sadar Court" the expression "Court of the Judicial Commissioner" is substituted.	Bombay Act I of 1906, section 9 (2).
		.....	*Section 17.*— *Id.* ...	*Id.*
		.....	For the proviso to section 21 the following proviso is substituted: "provided that the Local Government may, by an order to be published in the *Bombay Government Gazette*, alter or rescind any such rules or extend all or any of the provisions of the Act to the whole or to any part of the said portion of the Province of Sind."	*Id.*, section 10.
		.....	For the expressions "Governor in Council" and "Governor General of India in Council," wherever they occur in the Act, the expressions "Local Government" and "Government of India" are respectively substituted.	*Id.*, section 9 (1).
2	The Mámlatdárs' Courts Act, 1876 (Bom. III of 1876).	The whole	.....	Bombay Act II of 1906, section 2.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

GOVERNMENT OF BOMBAY.

LEGISLATIVE DEPARTMENT.

BOMBAY ACT No. III OF 1888.

THE CITY OF BOMBAY MUNICIPAL ACT, 1888.

AS MODIFIED UP TO THE 1ST MAY 1906.

BOMBAY:
PRINTED AT THE GOVERNMENT CENTRAL PRESS.

1906.

PREFACE.

The City of Bombay Municipal Act, 1888, has been modified by Acts XVI of 1895 and II of 1901, and Bombay Acts IV of 1888, I of 1894, I of 1897, II of 1899, II of 1900, V of 1903 and V of 1905, and supplemented by Acts XII of 1888 and II of 1889, and Bombay Acts V of 1890 and I of 1898.

In reprinting the Act, repealed matter has been omitted, and amendments have been inserted, with explanatory footnotes.

THE CITY OF BOMBAY MUNICIPAL ACT, 1888.

CONTENTS.

CHAPTER I.

PRELIMINARY.

SECTIONS.

1. Short title.
   Extent.
2. Repeal of enactments.
3. Definition of terms.

CHAPTER II.

THE MUNICIPAL CONSTITUTION.

Municipal Authorities.

4. Municipal authorities charged with execution of this Act.

(*A*) THE MUNICIPAL CORPORATION.

5. Constitution of corporation.

Terms of Office of Councillors, Casual Vacancies, etc.

6. Day on which councillors are to come into office.
7. Day for retirement of councillors.
8. Re-eligibility of persons ceasing to be councillors.
9. Casual vacancies how to be filled up.
10. Publication of names of councillors in the *Bombay Government Gazette*.

Qualifications and Disqualifications of Voters and Councillors.

11. Qualification of voters at ward elections.
12. Qualification of voters at justices' elections.
13. Qualification of voters at fellows' elections.
14. Qualification for election as a councillor at a ward election.
15. Qualification for election as a councillor at an election by justices, or by fellows, or by the Chamber of Commerce.
16. Disqualifications for being a councillor.
17. A person becoming disqualified to cease to be a councillor.
18. Questions as to disqualifications to be determined by Chief Judge of the Small Cause Court.

Municipal Election Roll.

SECTIONS.

19. Preparation and revision of list of persons qualified to vote.
20. Appeals against Commissioner's orders on revision of the list by whom to be heard.
21. Completion of the municipal election roll.

Elections of Councillors.

22. Dates of elections.
23. Order in which general elections are to be held.
24. Division of the city into wards for purposes of elections.
25. Notice to be given of day fixed for ward elections and justices' elections.
26. Candidates at ward elections and justices' elections must be nominated.
Provisions regarding nominations.
27. Poll to be taken when a ward election or a justices' election is contested.
Names of candidates validly nominated to be published.
28. Provisions respecting contested ward elections.
29. Provisions regarding justices' contested elections.
30. Proceedings at fellows' elections.
31. Proceedings at elections by the Chamber of Commerce.
32. Declaration of results of elections.
33. Election petitions to be heard and disposed of by Chief Judge of the Small Cause Court.
34. Procedure if election fails.

Appointment of Councillors by Government.

35. Government appointments of councillors when to be made.

Proceedings of the Corporation.

36. Provisions regulating the corporation's proceedings.

President of the Corporation.

37. Appointment of president of the corporation.

Committees.

38. Appointment of consultative committees for special purposes.
39. Appointment by the corporation and by Government of a Joint Schools' Committee for purposes of primary education.
40. Committee may be appointed for other educational purposes.
41. Appointment of Hospital Committee.

(*B*) THE STANDING COMMITTEE.

42. Constitution of standing committee.
43. Members of the standing committee when to be appointed.

SECTIONS.

44. Appointment of chairman of standing committee.
45. Members of the standing committee to retire by rotation.
46. Appointment of members of standing committee to replace those who retire.
47. Casual vacancies in the standing committee how to be filled up.
48. Each standing committee to continue in office till a new committee is appointed.
49. Provisions regulating the proceedings of the standing committee.
50. Fees payable to members of the standing committee.

Provisions regarding validity of Proceedings.

51. Vacancy in corporation, etc., not to invalidate their proceedings.
52. Proceedings of corporation, etc., not vitiated by disqualification, etc., of members thereof.
53. Proceedings of meetings to be deemed to be good and valid until the contrary is proved.

(*C*) THE MUNICIPAL COMMISSIONER.

54. Appointment of the Commissioner.

Deputy Municipal Commissioner.

55. Appointment of a Deputy Municipal Commissioner.
56. Functions of a Deputy Commissioner.

Remuneration of Commissioner and Deputy Commissioner.

57. Salary of the Commissioner to be fixed by Government.
Duties which may be undertaken by the Commissioner outside of this Act.
58. Remuneration of a Deputy Municipal Commissioner.

Provisions for absence of Commissioner or Deputy Commissioner on leave.

59. Grant of leave of absence to the Commissioner or Deputy Commissioner.
Allowance whilst absent on leave.
Appointment and remuneration of acting Commissioner or acting Deputy Commissioner.

Disqualifications of Commissioner and Deputy Commissioner.

60. Commissioner and Deputy Commissioner not to be interested in any contract, etc., with the corporation.

CHAPTER III.

DUTIES AND POWERS OF THE MUNICIPAL AUTHORITIES.

Obligatory and Discretionary Duties of the Corporation.

SECTIONS.

61. Matters to be provided for by the corporation.
62. Share of the expenses of the police of the city to be paid by the corporation.
63. Matters which may be provided for by the corporation at their discretion.

Respective Functions of the several Municipal Authorities.

64. Functions of the several municipal authorities.
Municipal government of the city vests in the corporation.
Special functions of the Commissioner.
65. Corporation may call for extracts from proceedings, etc., from the standing committee, etc.
66. Corporation may require the Commissioner to produce documents and furnish returns, reports, etc.
67. Exercise of powers to be subject to sanction by corporation of the necessary expenditure.
68. Municipal officers may be empowered to exercise certain of the powers, etc., of the Commissioner.

Contracts.

69. Power to the Commissioner to execute contracts on behalf of the corporation.
70. Mode of executing contracts.
71. Contract not binding on the corporation unless executed as prescribed in section 70.
72. Tenders to be invited for contracts involving expenditure exceeding Rs. 3,000.
73. Security when to be taken for performance of contract.

CHAPTER IV.

MUNICIPAL OFFICERS AND SERVANTS.

Executive Engineer and Executive Health Officer.

74. Appointment of executive engineer and executive health officer.
75. Time within which vacancy in office of executive engineer or executive health officer must be filled up.
76. Executive health officer to be the consulting officer of health under Bombay Act VI of 1867.

Municipal Secretary.

SECTIONS.

77. Appointment of municipal secretary.
78. Appointment of clerks and servants subordinate to the municipal secretary.
Control, etc., of the said clerks and servants.

Other Officers and Servants.

79. Schedule of other officers and servants to be prepared by the Commissioner and sanctioned by the standing committee.
80. Restriction of employment of permanent officers and servants.

Leave of Absence, Acting Appointments, etc.

81. Standing Committee to frame regulations for grant of leave, etc.
Such regulations to be subject to confirmation by the corporation, and, if made under clause (*f*), by Government.
82. Power of appointment in whom to vest.
83. Power of suspending, punishing and dismissing in whom to vest.
84. Leave of absence by whom to be granted.
85. Acting appointments.

Disqualifications of Municipal Officers and Servants.

86. Municipal officer or servant not to be interested in any contract, etc., with the corporation.

CHAPTER V.

MUNICIPAL PROPERTY AND LIABILITIES.

Acquisition of Property.

87. Powers of corporation as to acquisition of property.
88. Transfer to the corporation of the property of the municipal corporation.
89. Conditions affecting the vesting of the Vehár water-works in the corporation.
90. Acquisition of immoveable property by agreement.
91. Procedure when immoveable property cannot be acquired by agreement.

Disposal of Property.

92. Provisions governing the disposal of municipal property.

Liabilities.

93. Debts payable by the corporation.
Vehár water-works debt.

SECTIONS.

The consolidated loan.
House-rate and market loans of 1867-68.
New drainage loan of 1878.
Sanitary works' loans of 1885, 1886 and 1888.
Tánsa water-works' loan.
Drainage and water-works' loan of 1888.

Repayment of moneys due to the Secretary of State in Council.

94. Vehár water-works' debt repayable in monthly instalments.
95. Period of repayment of consolidated loan.
Mode of repayment.
96. Payments to whom to be made.
Notice of payments to be published.
97. In case of non-payment, report to be made to the Chief Secretary to Government.
98. Arrears may be recovered by detention of moneys due to the corporation.
99. Or by attachment of the municipal fund, etc.
Attachment not to defeat prior charges legally made.
100. Reversion of Vehár water-works to Government in case of default in payment of any instalment of the debt due on their account.
101. Other rights and remedies of the Secretary of State for India in Council not to be affected.
102. Method of appropriating payments on account of the Vehár water-works.
103. Method of appropriating payments on account of the consolidated loan.

Repayment of House-rate and Market Loans of 1867-68.

104. Sinking-fund for house-rate and market loans to be maintained.

Publication of Annual Account of Balances due on Loans.

105. Account of balances due on loans to be published by the Commissioner yearly.

CHAPTER VI.

BORROWING POWERS.

106. Power to borrow from Government or other persons.
107. Provisions applicable to any new loan contracted with Government.
108. Mortgage of taxes or immoveable property.
109. Provisions as to exercise of borrowing powers.
110. Form of security.

CHAPTER VII.

REVENUE AND EXPENDITURE.

The Municipal Fund.

SECTIONS.

111. Constitution of the municipal fund.

112. Commissioner to receive payments on account of the municipal fund and to lodge them in a bank.

113. How the fund shall be drawn against.

114. Deposit of portion of the municipal fund may be made with bank or agency out of Bombay, when convenient.

115. Only sums covered by a budget-grant to be expended from the municipal fund.

Exceptions.

116. Drafts on the municipal fund to be checked by members of the standing committee and municipal secretary.

117. Procedure when money not covered by a budget-grant is expended under clause (*e*), (*f*), (*g*) or (*h*) of section 115.

118. Purposes to which the municipal fund is to be applied.

119. Temporary payments from the municipal fund for works urgently required for public service.

The School-Fund.

120. The school-fund of what to consist.

Other Special Funds.

121. Other special funds may be created with the approval of the corporation.

Disposal of Balances.

122. Investment of surplus moneys.

Accounts.

123. Accounts to be kept in forms prescribed by standing committee.

124. Preparation of annual administration report and statement of accounts.

Annual Budget-Estimate.

125. Estimates of expenditure and income to be prepared annually by the Commissioner.

126. Budget-estimate to be prepared by the standing committee.

127. Consideration of budget-estimate by corporation.

128. Fixing of rates of taxes.

129. Final adoption of budget-estimate.

SECTIONS.

130. "Budget-grant" defined.

131. Corporation may increase amount of budget-grants and make additional grants.

132. Rule as to unexpended budget-grants.

133. Reduction or transfer of budget-grants.

134. Re-adjustment of income and expenditure to be made by the corporation during the course of the official year whenever necessary.

Scrutiny and Audit of Accounts.

135. Weekly scrutiny of accounts by standing committee.

136. Appointment of municipal auditors.

137. Information and report to be furnished by auditors.

138. A special audit may be directed by the Governor in Council.

CHAPTER VIII.

MUNICIPAL TAXATION.

Municipal Taxes defined.

139. Taxes to be imposed under this Act.

PROPERTY-TAXES.

Property-taxes leviable.

140. Property-taxes of what to consist, and at what rates leviable.

Water-tax.

Halálkhor-tax.

General tax.

141. Water-tax on what premises to be levied.

142. Halálkhor-tax on what premises to be levied.

143. General tax on what premises to be levied.

144. Payment to be made to the corporation in lieu of the general tax by the Secretary of State for India in Council.

145. Amendment of section 36, Bombay Act VI of 1879.

Liability for Property-taxes.

146. Primary responsibility for property-taxes on whom to rest.

147. Apportionment of responsibility for property-tax when the premises assessed are let or sub-let.

148. Person primarily liable for property-tax entitled to credit, if he is a rent-payer.

Notice of Transfer, &c., of premises assessable to Property-taxes.

149. Notice to be given to the Commissioner of all transfers of title of persons primarily liable to payment of property-tax.

150. Form of notice.

SECTIONS.

151. Liability for payment of property-taxes to continue in the absence of any notice of transfer.
152. Notice to be given to the Commissioner of the erection of a new building, etc.
153. Notice to be given to the Commissioner of demolition or removal of a building.

Valuation of Property assessable to Property-taxes.

154. Rateable value how to be determined.
155. Commissioner may call for information or returns from owner or occupier or enter and inspect assessable premises.

Assessment-book.

156. Assessment-book what to contain.
157. The assessment-book to be made separately for each ward and in parts, if necessary.
158. Treatment of property which is let to two or more persons in separate occupancies.
Allowance of drawback in such cases.
159. Person primarily liable for property-taxes how to be designated, if his name cannot be ascertained.
Occupier liable for property-taxes until he gives information.
160. Public notice to be given when valuation of property in any ward has been completed.
161. Assessment-book to be open to inspection.
162. Time for filing complaints against valuations to be publicly announced.
Special notices to be issued in certain cases.
163. Time and manner of filing complaints against valuations.
164. Notice to complainants of day fixed for investigating their complaints.
165. Hearing of complaint.
166. Authentication of ward assessment-books when all complaints have been disposed of.
167. Assessment-book may be amended by the Commissioner during the official year.
168. New assessment-book need not be prepared every official year.

Special Provisions concerning the Water and Halálkhor Taxes.

169. A charge by measurement or a periodical lump payment may be substituted for the water-tax.
170. Government and the Port Trust to be charged for water by measurement.
171. Supply of water at public drinking-fountains, etc., not to be taxed.
172. Halálkhor-tax may be fixed at special rates in certain cases.
173. Water-tax or halálkhor-tax paid by any person may be recovered by him from the occupier of the premises for which it is paid.

Refund of Property-taxes for Vacancies.

SECTIONS.

174. Refund of water and halálkhor-taxes when and to what extent obtainable.
175. Refund of general tax when and to what extent obtainable.
176. Refund not claimable unless notice of vacancy is given to the Commissioner.
177. Refund of water-tax inadmissible unless application for stopping water-supply has been made.
178. Refund of general tax inadmissible when drawback has been sanctioned.
179. Applications for refund when and how to be made.

Tax on Vehicles and Animals.

180. Tax on what vehicles and animals to be levied.
181. Exemptions from the tax.
182. Periods by which liability for the tax is determinable.
183. Vehicles under repair, or standing at carriage-maker's, exempt.
184. Animals unfit for use, and not used, exempt.
185. Livery-stable-keepers and others may be compounded with.
186. Vehicle and animal tax-book to be kept.
187. Returns may be called for from owners of premises and persons supposed to be liable to the tax.
188. Notice to be given to Commissioner by a person not hitherto liable to the tax, who becomes possessed of a vehicle or animal in respect of which liability arises.
189. Power to inspect stables and summon persons liable to the tax.

Toll on Vehicles entering the City from Salsette.

190. Rate and method of levying the toll.
191. Ticket certifying payment of toll to be given to driver of vehicle; but vehicle on which toll has been paid not to be exempt from tax under section 180, if otherwise liable thereto.

Town-duties.

192. Town-duties at what rates and on what articles leviable.
193. Table of rates of town-duties to be affixed on certain places.
194. Exemption of articles belonging to Government from town-duty.
Refund of town-duty on articles which become the property of Government after importation.
195. Refund of town-duty on export.

Supplementary Taxation.

196. Any tax imposable under this Act may be increased by way of imposing supplementary taxation.

Collection of Taxes.

SECTIONS.

197. Property-taxes payable half-yearly in advance.
198. Tax on vehicles and animals payable quarterly in arrear; but tax on public conveyances to be paid in advance.
199. Tolls and town-duties payable on demand.
200. Presentation of bills for certain taxes.
201. When one bill may be presented for several claims.
202. Notice of demand.
203. Distress.
204. Goods of defaulter may be distrained, wherever found.
205. Inventory and notice of distress and sale.
206. Sale.
207. Fees for distraints.
208. Fees for cost of recovery may be remitted.
209. When *occupiers* may be held liable for payment of *property-taxes*.
210. Summary proceedings may be taken against persons about to leave the city.
211. Defaulters may be sued for arrears, if necessary.
212. Property-taxes to be a first charge on premises on which they are assessed.
213. Collection of tolls and town-duties how to be effected.
214. Procedure in case of non-payment of toll.
215. Powers of persons authorized to collect and refund town-duties.
216. Writing off of irrecoverable taxes.

Appeals against Valuations and Taxes.

217. Appeals when and to whom to lie.
218. Cause of complaint when to be deemed to have accrued.
219. Unappealed values and taxes and decisions on appeal to be final.

CHAPTER IX.

DRAINS AND DRAINAGE-WORKS.

Municipal Drains.

220. Municipal drains to be under the control of the Commissioner.
220A. Vesting of water-courses.
221. Drains to be constructed and kept in repair by the Commissioner.
222. Powers for making drains.
223. Buildings, etc., not to be erected without permission over drains.
224. Alteration and discontinuance of drains.
225. Cleansing drains.
226. [*Repealed.*]

Drains of private Streets and Drainage of Premises.

227. Power to connect drains of private streets with municipal drains.

SECTIONS.

223. Power of owners and occupiers of premises to drain into municipal drains.
229. Connections with municipal drains not to be made except in conformity with section 227 or 228.
230. Rights of owners and occupiers of premises to carry drains through land belonging to other persons.
231. Commissioner may enforce drainage of undrained premises situate within a hundred feet of a municipal drain.
232. Commissioner may enforce drainage of undrained premises not situate within a hundred feet of a municipal drain.
232A. Power of Commissioner to drain premises in combination.
233. Commissioner may close or limit the use of existing private drains.
233A. Vesting and maintenance of drains for sole use of properties.
234. New buildings not to be erected without drains.
235. Excrementitious matter not to be passed into cesspool.
236. Obligation of owners of drains to allow use thereof or joint ownership therein to others.
237. How right of use or joint ownership of a drain may be obtained by a person other than the owner.
238. Commissioner may authorize person other than the owner of a drain to use the same or declare him to be joint owner thereof.
239. Sewage and rain-water drains to be distinct.
240. Drains not to pass beneath buildings.
241. Position of cesspools.
242. Right of corporation to drains, etc., constructed, etc., at charge of municipal fund on premises not belonging to the corporation.
243. All drains and cesspools to be properly covered and ventilated.
244. Affixing of pipes for ventilation of drains, etc.

Disposal of Sewage.

245. Appointment of places for emptying of drains and disposal of sewage.
246. Provision of means for disposal of sewage.

Water-closets, Privies, Urinals, etc.

246A. Construction of water-closets and privies.
247. Water-closet and other accommodation in buildings newly erected or re-erected.
248. Where there is no such accommodation, or the accommodation is insufficient or objectionable.
249. Power to require privy accommodation to be provided for factories, etc.
249A. Power of Commissioner as to unhealthy privies.
250. Provisions as to privies.
251. Provisions as to water-closets.
251A. Position of privies and water-closets.
251B. Use of places for bathing, or washing clothes or domestic utensils.
252. Public necessaries.

SECTIONS.

Inspection.

253. Drains, etc., not belonging to the corporation to be subject to inspection and examination.
254. Power to open ground, etc., for purposes of such inspection and examination.
255. When the expenses of inspection and examination are to be paid by the Commissioner.
256. When the expenses of inspection and examination are to be paid by the owner.
257. Commissioner may require repairs, etc., to be made.
257A. Costs of inspection and execution of works in certain cases.

General Provisions.

258. Prohibition of acts contravening the provisions of this chapter or done without sanction.
259. When materials and work may be supplied and done under this chapter for any person by the Commissioner.
259A. Work to be done by licensed plumber: permission to use as drain.
260. Commissioner may execute certain works under this chapter without allowing option to persons concerned of executing the same. Expenses in such cases by whom to be paid.

CHAPTER X.

WATER-SUPPLY.

Construction and Maintenance of Municipal Water-works.

261. General powers for supplying the city with water.
262. Municipal water-works to be managed and kept in repair by the Commissioner.
263. Power of access to municipal water-works.
264. Inspection of municipal water-works by persons appointed by Government.
265. Power of carrying water-mains, etc.
266. Fire-hydrants to be provided.
267. Prohibition of building and other acts which would injure sources of water-supply.
268. Buildings, etc., not to be erected over municipal water-main without permission.

Public gratuitous Water-supply.

269. Vesting of public drinking-fountains, etc., in the corporation.
270. Public drinking-fountains, etc., may be set apart for particular purposes.

Private Water-supply.

271. Applications for private water-supply from whom to be received. Commissioner may in certain cases require owners to obtain private water-supply.

SECTIONS.

272. Making and renewing connections with municipal water-works.
273. Commissioner may take charge of private connections.
273A. Power of Commissioner to alter position of connections.
274. Provisions as to storage-cisterns and other fittings, etc., to be used for connections with water-works.
275. Communication-pipes, etc., to be kept in efficient repair by owner or occupier of premises.
276. Provision of meters when water is supplied by measurement.
277. Register of meter to be evidence.

Inspection.

278. Commissioner, etc., may inspect premises in order to examine meter, communication-pipes, etc.

Cutting off private Water-supply.

279. Power to cut off private water-supply or to turn off water.
280. Conditions as to use of water not to be contravened.
281. Water-pipes, etc., not to be placed where water will be polluted.
282. Prohibition of fraudulent and unauthorized use of water.
283. Prohibition of fraud in respect of meters.

General Provisions.

284. Prohibition of wilful or neglectful acts relating to water-works.
285. Compensation to be payable by offenders against section 283 or 284.
286. Occupier of premises to be primarily liable for certain offences against this chapter.
287. When materials and work may be supplied and done under this chapter for any person by the Commissioner.
287A. Commissioner may execute works under this chapter without allowing option to persons concerned of executing the same.
288. Power to supply water without the city.

CHAPTER XI.

REGULATION OF STREETS.

Construction, Maintenance and Improvement of Public Streets.

289. Vesting of public streets in the corporation.
Powers of Commissioner in respect of public streets.
290. Disposal of land forming site of closed streets.
291. Power to make new public streets.
292. Saving of provisions of sections 37 and 38, Bombay Act VI of 1879.
293. Permission to lay tramways or railways on public streets to need the sanction of the corporation and confirmation by Government.
294. Minimum width of new public streets.
295. Power to construct or adopt public bridges, etc., over or under railways, etc.
296. Power to acquire premises for improvement of public streets.

Preservation of regular Line in Public Streets.

297. Prescribing the regular line of a street.

SECTIONS.

298. Setting back buildings to regular line of the street.
299. Acquisition of open land or of land occupied by platforms, etc., within the regular line of a street.
300. Setting forward of buildings to regular line of the street.
301. Compensation to be paid in cases under the three last sections.

Provisions concerning Private Streets.

302. Notice of intention to lay out new private street to be given to Commissioner.
303. Level, etc., of new private streets and of the buildings on either side thereof to be determined by Commissioner.
304. New private street not to be made and buildings on either side thereof not to be erected except in accordance with Commissioner's directions or approval.
305. Levelling and draining of private streets.
306. Power to declare private streets, when sewered, etc., public streets.
307. Applicability of sections 305 and 306 when a street is in part public and in part private.

Projections and Obstructions.

308. Prohibition of projections upon streets, etc.
Power to require removal of the same.
309. Power to require removal or alteration of projections, etc., made before Bombay Act III of 1872 came into force.
310. Projections over streets may be permitted in certain cases.
311. Ground-floor doors, etc., not to open outwards on streets.
312. Prohibition of structures or fixtures which cause obstruction in streets.
313. Prohibition of deposit, etc., of things in streets.
314. Commissioner may, without notice, remove anything erected in contravention of section 312, after it comes into force or deposited, etc., in contravention of section 313.
315. Power to require removal of any structure or fixture erected or set up before section 312 came into force.
316. Prohibition of the tethering of animals in the public streets.

Temporary Erections on Streets during Festivals.

317. Commissioner may permit booths, etc., to be erected on streets on festivals.

Provisions concerning Execution of Works in or near to Streets.

318. Street when broken up for any municipal purpose to be restored without delay.
319. Commissioner may close street in which work is in progress.
320. Commissioner to provide for traffic, etc., pending execution of municipal work in any street.
321. Precautions to be taken for the public safety whilst municipal works are in progress in any street.
322. Streets not to be opened or broken up and building-materials not to be deposited thereon without permission.

SECTIONS.

323. Precautions for public safety to be taken by persons to whom permission is granted under section 322.
324. Persons to whom permission is granted under section 322 must reinstate streets, etc.
325. Provisions to be made by persons to whom permission is granted under section 322 for traffic, etc., when their works interrupt streets.
326. Hoards to be set up during work on any building adjacent to a street.

Naming of Streets, etc.

327. Naming streets and numbering of houses.

Bill-posting.

328. Prohibition of posting of bills, etc., except with consent of owner or occupier of buildings, etc.

Dangerous places.

329. Commissioner to take proceedings for repairing or enclosing dangerous places.

Lighting of Streets.

330. Public streets to be lighted.
331. Prohibition of removal, etc., of lamps.
332. Persons accidentally breaking lamp to repair the damage.
333. Manner of laying gas-pipes.
334. Situation of gas-pipes, etc., may be altered by Commissioner.
335. Buildings, etc., not to be erected without permission over municipal gas-pipes.

Watering of Streets.

336. Measures for watering.

CHAPTER XII.

BUILDING REGULATIONS.

Notices regarding Erection of Buildings.

337. Notice to be given to Commissioner of intention to erect a building.
338. Commissioner may require plans and other documents to be furnished.
339. Commissioner may require plans, etc., submitted under last preceding section, to be prepared by a licensed surveyor.
340. Additional information and the attendance of the person who gave the notice may be required.
341. Effect of non-compliance with requisition under section 339 or 340.

Notices regarding Execution of Works not amounting to the Erection of a Building.

SECTIONS.
342. Notice to be given to the Commissioner of intention to make additions, etc., to a building.
343. Plans and additional information may be called for.

Forms of Notices.

344. Printed forms of notices to be supplied to the public.

Commencement of Work.

344A. Supervision of buildings and works.
345. When building or work may be proceeded with.
346. Building or work which is disapproved by the Commissioner may be proceeded with subject to terms.
347. When work may be commenced.

Provisions as to Structure, Materials, etc.

348. Provisions as to buildings which are to be newly erected.
349. Roofs and external walls of buildings not to be of inflammable material.
349A. Maximum height of buildings.
349B. Height of buildings with reference to width of streets; proviso in case of set-back.
349C. Frame-buildings.

Inspection.

350. Inspection of buildings in course of erection, alteration, etc.
351. Proceedings to be taken in respect of building or work commenced contrary to section 347.
352. Buildings or works commenced contrary to section 347 may be cut into and laid open for purpose of inspection.
353. Enforcement of provisions concerning buildings and works.
353A. Completion certificates: permission to occupy or use.

Dangerous Structures.

354. Removal of structures, etc., which are in ruins or likely to fall.

Works unlawfully carried on.

354A. Power of Commissioner to direct removal of person directing.

CHAPTER XIII.

LICENSING OF SURVEYORS AND PLUMBERS.

355. Grant of licenses to surveyors and plumbers.
356. Regulations may be prescribed for guidance of licensed surveyors and plumbers.

SECTIONS.

357. Fees and charges of licensed plumbers to be prescribed by the standing committee.
358. Licensed plumber to be bound to execute work properly.

CHAPTER XIV.

MUNICIPAL FIRE-BRIGADE.

359. Maintenance of firemen and of necessary fire-engines, etc.
360. Power to make regulations for fire-brigade.
361. Powers of chief officer of fire-brigade at a fire.
362. Police and municipal officers and servants to aid the fire-brigade.
363. Damages done by fire-brigade to be deemed damage by fire.
364. Reports of fires to be submitted.

CHAPTER XV.

SANITARY PROVISIONS.

Scavenging and Cleansing.

365. Commissioner to provide for cleansing of streets and removal of refuse.
366. Refuse, etc., to be the property of the corporation.
367. Provision and appointment of receptacles, depôts and places for refuse, etc.
368. Duty of occupiers to collect and deposit dust, etc.
369. Provision may be made by Commissioner for collection, etc., of excrementitious and polluted matter.
370. Collection and removal of excrementitious and polluted matter when to be provided for by occupiers.
371. Halálkhors' duties in certain cases may not be discharged by private individuals without the Commissioner's permission.
372. Prohibition of—
failure to remove refuse, etc., when bound to do so;
removal of refuse, etc., contrary to orders or without proper precautions;
failure to clear away any refuse, etc., which drops during removal;
leaving filth carts, etc., unnecessarily in the streets;
throwing or placing refuse, etc., in any place not assigned for the purpose;
allowing filthy matter to flow or soak from any premises, and keeping anything thereupon so as to create a nuisance.
373. Presumption as to offender under clause (*e*) of section 372.

Inspection and Sanitary Regulation of Premises.

374. Power to inspect premises for sanitary purposes.
375. Cleansing and limewashing of any building may be required.

SECTIONS.

376. Abandoned or unoccupied premises.
377. Neglected premises.
378. Buildings unfit for human habitation.
379. Power of Commissioner to call for statement of accommodation.
379A. Overcrowded dwellings.
380. Insanitary huts and sheds.
381. Filling in of pools, etc., which are a nuisance.
382. Dangerous quarrying may be stopped.
383. Removal and trimming of trees, shrubs and hedges.

Keeping and Destruction of Animals and Disposal of Carcasses.

384. Prohibitions as to keeping animals.
385. Removal of carcasses of dead animals.

Regulation of Public Bathing, Washing, etc.

386. Places for public bathing, etc., to be fixed by the Commissioner.
387. Regulation of use of public bathing-places, etc.
388. Prohibition of bathing, etc., contrary to order or regulation.
389. Prohibition of corruption of water by steeping therein animal or other matter, etc.

Regulation of Factories, Trades, etc.

390. Factory, etc., not to be newly established without permission of the Commissioner.
391. Furnaces used in trade or manufacture to consume their own smoke.
392. Sanitary regulation of factories, bakehouses, etc.
393. Prohibition of use of steam-whistle or steam-trumpet without permission of the Commissioner.
394. Certain trades not to be carried on without license.
395. Prohibition of corruption of water by chemicals, etc.
396. Inspection of premises used for manufactures, etc.
397. Regulation of washing of clothes by washermen.
Washing-places to be provided by the Commissioner for washermen.

Maintenance and Regulation of Markets and Slaughter-houses.

398. What to be deemed municipal markets and slaughter-houses.
399. Provision of new municipal markets and slaughter-houses.
400. Municipal markets and slaughter-houses may be closed.
401. Prohibition of sale in a municipal market without license of Commissioner.
402. Opening of new private markets.
403. Private markets not to be kept open without a license.
404. Prohibition of sale in unauthorised private markets.
405. Provision for requiring private market-buildings and slaughter-houses to be properly paved and drained.
406. Regulations to be framed for markets and slaughter-houses.
407. Levy of stallages, rents and fees in municipal markets and slaughter-houses.
408. Regulations and table of stallage-rents to be posted up in markets and slaughter-houses.
409. Power to expel persons contravening by-laws or regulations.

Sale of Articles of Food outside of Markets.

SECTIONS.

410. Prohibition of sale of animals, etc., except in a market.

Licensing of Butchers, etc.

411. Butchers and persons who sell the flesh of animals to be licensed.
412. Prohibition of import of cattle, etc., into the city.

Inspection of Places of Sale, etc.

413. Commissioner may enter any place where slaughter of animals or sale of flesh contrary to the provisions of this Act is suspected.
414. Commissioner to provide for inspection of articles exposed for sale for human food.
415. Unwholesome articles, etc., to be seized.
416. Disposal of perishable articles seized under section 415.
417. Disposal of animals and articles of a non-perishable nature seized under section 415.
417A. Penalty for representing any article to be what it is not.

Protection to persons acting in good faith.

417B. Penalty for possessing food which appears to be diseased, unsound or unwholesome or unfit for human food.
417C. Application for summons to be refused if not applied for within reasonable time.

Weights and Measures.

418. Provision of standards of local weights and measures.
419. Verification and stamping of weights and measures by municipal officer.
420. Fees for comparison and stamping.

Prevention of Spread of Dangerous Diseases.

421. Information to be given of existence of dangerous disease.
422. Any place may at any time be inspected for purpose of preventing spread of dangerous disease.
423. Prohibition of use for drinking of water likely to cause dangerous disease.
424. Commissioner may order removal of patients to hospital.
425. Disinfection of buildings, etc.
426. Destruction of huts and sheds, when necessary.
427. Place for disinfection may be provided;
also for washing infected articles.
Infected articles may be destroyed.
428. Person suffering from dangerous disease not to enter a public conveyance without notifying the same.
429. Provision of carriages for conveyance of patients.
430. Provisions as to carriage of persons suffering from dangerous disease in public conveyances.
431. Public conveyance which has carried a person suffering from dangerous disease to be disinfected.
432. Infected articles not to be transmitted, etc., without previous disinfection.
433. Infected building not to be let without being first disinfected.

Special Sanitary Measures.

SECTIONS.

434. Commissioner may take special measures on outbreak of any dangerous disease.

Disposal of the Dead.

435. Places for disposal of the dead to be registered.

436. Provision of new places for disposal of the dead.

437. New places for disposal of the dead not to be opened without permission of Commissioner.

438. Governor in Council may direct the closing of any place for the disposal of the dead.

439. Governor in Council may sanction the re-opening of places which have been closed for the disposal of the dead.

440. Burials within places of worship and exhumations not to be made without the permission of the Commissioner.

441. Acts prohibited in connection with the disposal of the dead.

CHAPTER XVI.

VITAL STATISTICS.

Registration of Births and Deaths.

442. Appointment of registrars.

443. Registrars to reside in their respective districts.

444. Register-books to be supplied.

445. Registrars to inform themselves of all births and deaths.

446. Information of birth to be given within seven days.
Saving for father of illegitimate child.

447. Information respecting finding of new-born child to be given.

448. Officers to be appointed to receive information of deaths at places for disposal of the dead.

449. Information of death to be given at the time when the corpse of the deceased is disposed of.

450. Medical practitioner who attended a deceased person to certify the cause of his death.

451. Preparation of register-books of deaths and of mortality returns, etc.

452. Correction of errors in registers of births or deaths.

453. Registration of name of child or of alteration of name.

Taking of a Census.

454. Enumeration of inhabitants.

455. Commissioner to superintend the enumeration.

456. Delivery of bank schedules and returns.

457. Obligation to fill up blank schedules and returns.

458. Occupier to amend returns, if found defective.

459. Military, naval and police officers and certain others, if required, to act as enumerators.

460. Returns of houseless persons.

CHAPTER XVII.

BY-LAWS.

SECTIONS.

461. By-laws for what purposes to be made.
462. Punishment may be imposed for breach of by-laws.
463. By-laws to be confirmed by Government.
464. Commissioner to lay draft by-laws before the corporation for their consideration.
465. Hearing by corporation of objections to proposed by-laws.
466. Proposed by-law to be open to public inspection.
467. By-laws confirmed by Government to be published in the *Bombay Government Gazette*.
468. Printed copies of by-laws to be kept on sale.
469. Boards for exhibiting by-laws to be open to inspection and not to be injured.
470. Government may repeal by-laws.

CHAPTER XVIII.

PENALTIES.

471. Certain offences punishable with fine.
472. Continuing offences.
473. Offences punishable under the Penal Code.
474. Punishment for acquiring share or interest in contract, etc., with the corporation.
475. Punishment of offences against section 267.
476. Punishment of offences against section 391.
477. Extent of penal responsibility of agents and trustees of owners.
478. Punishment of offences relating to town-duties.

CHAPTER XIX.

PROCEDURE.

Licenses.

479. Licenses and written permissions to specify conditions, etc., on which they are granted.
Fees to be chargeable.
Licenses and written permissions may be revoked, etc.
When license or written permission is revoked, etc., grantee to be deemed to be without a license or written permission.
Grantee to be bound to produce license or written permission.

Public Notices and Advertisements.

480. Public notices how to be made known.

SECTIONS.

481. Advertisements how to be made.
482. Consent, etc., of Commissioner may be proved by written document under his signature.

Service of Notices, etc.

483. Notices, etc., by whom to be served or presented.
484. Service how to be effected on owners of premises and other persons.
485. Service on "owner or occupier" of premises how to be effected.
486. The three last sections inapplicable to Magistrate's summonses.
487. Signature on notices, etc., may be stamped.

Power of Entry.

488. Commissioner, etc., may enter any premises for purposes of inspection, survey or execution of necessary work.

Enforcement of Orders to execute Works, etc.

489. Works, etc., which any person is required to execute may in certain cases be executed by the Commissioner at such person's cost.
490. Recovery of expenses of removals by the Commissioner under sections 314, 315, 354 and 380.

Recovery of Expenses by the Commissioner.

491. Expenses recoverable under this Act to be payable on demand; and if not paid on demand, may be recovered as an arrear of property-tax.
492. If the defaulter is the owner of premises in respect of which expenses are payable, the occupier to be also liable for payment thereof.
493. Commissioner may agree to receive payment of expenses in instalments.
494. What expenses may be declared to be improvement expenses.
495. Improvement expenses by whom payable.
496. Proportion of improvement expenses may be deducted from rent.
497. Redemption of charge for improvement expenses.
498. Recovery of instalments due under sections 493 and 495.
499. In default of owner the occupier of any premises may execute required work and recover expenses from the owner.
500. Limitation of liability of agent or trustee of owner.

Payment of Compensation.

501. Compensation for damages may be paid by the Commissioner.
502. Compensation to be paid by offenders against this Act for any damage caused by them.

Recovery of Expenses or Compensation in case of Dispute.

503. In cases falling under section 491, disputes to be determined by the Chief Judge of the Small Cause Court.

SECTIONS.

504. Amount of expenses or compensation to be determined in all cases of dispute by the Chief Judge of the Small Cause Court.

505. Expenses or compensation awarded by Chief Judge of the Small Cause Court to be recovered, if necessary, as if they were due under a decree of the Court.

506. Persons liable for expenses or compensation may be sued for recovery thereof.

Proceedings before the Chief Judge of the Small Cause Court.

507. Remedy of owner of building or land against occupier who prevents his complying with any provision of this Act.

508. Power to summon witnesses and compel production of documents.

509. Fees in proceedings before the Chief Judge of the Small Cause Court.

510. Exemption of poor persons from fees.

511. Repayment of half fees on settlement before hearing.

512. Authority to the Chief Judge of the Small Cause Court to delegate certain powers and to make rules.

Proceedings before Magistrates.

513. Cognizance of offences.

514. Limitation of time within which complaints of offences punishable under this Act shall be entertained.

515. Complaints concerning nuisances.

Arrest of Offenders.

516. Offenders against this Act may in certain cases be arrested by Police Officers.

Legal Proceedings.

517. Provisions respecting institution, etc., of civil and criminal actions and obtaining legal advice.

CHAPTER XX.

CONTROL.

518. Power to Government to provide for performance of duties in default of any municipal authority.

519. Power to Government to enforce repair, etc., of Vehár water-works.

520. Expenses of measures enforced under sections 518 and 519 how to be recovered.

CHAPTER XXI.

SUPPLEMENTAL PROVISIONS.

SECTIONS.

521. Councillors, etc., to be deemed to be public servants.
522. Co-operation of Police.
523. Computation of time.
524. Measurement of distances.
525. Informalities and errors in assessments, etc., not to be deemed to invalidate such assessments, etc.
526. Power to Government to call for extracts from proceedings, etc.
527. Protection of persons acting under this Act against suits.
528. Effect of the transitory provisions in Schedule R.

SCHEDULE A.—ENACTMENTS REPEALED.
SCHEDULE B.—DIVISION OF THE CITY INTO WARDS.
SCHEDULE C.—FORM OF DEBENTURE.
SCHEDULE D.—FORM OF ENDORSEMENT FOR TRANSFER OF DEBENTURE.
SCHEDULE E.—FORM OF NOTICE OF TRANSFER TO BE GIVEN WHEN THE TRANSFER HAS BEEN EFFECTED BY INSTRUMENT.
SCHEDULE F.—FORM OF NOTICE OF TRANSFER TO BE GIVEN WHEN THE TRANSFER HAS TAKEN PLACE OTHERWISE THAN BY INSTRUMENT.
SCHEDULE G.—TAX ON VEHICLES AND ANIMALS.
SCHEDULE H.—ARTICLES LIABLE TO PAYMENT OF TOWN-DUTIES.
SCHEDULE I.—FORM OF NOTICE OF DEMAND.
SCHEDULE J.—FORM OF DISTRESS-WARRANT.
SCHEDULE K.—FORM OF INVENTORY AND NOTICE.
SCHEDULE L.—TABLE OF FEES PAYABLE IN DISTRAINTS.
SCHEDULE M.—PURPOSES FOR WHICH PREMISES SHALL NOT BE USED WITHOUT A LICENSE.
SCHEDULE N.—PARTICULARS TO BE SPECIFIED IN THE REGISTER OF BIRTHS.
SCHEDULE O.—PARTICULARS TO BE SPECIFIED IN THE REGISTER OF DEATHS.
SCHEDULE P.—CERTIFICATE OF CAUSE OF DEATH.
SCHEDULE Q.—FORM CERTIFYING NAME GIVEN IN BAPTISM.
Do. DO. NOT IN BAPTISM.
SCHEDULE R.—TRANSITORY PROVISIONS.
SCHEDULE S.—DRAINAGE COMPLETION CERTIFICATE.
SCHEDULE T.—BUILDING *Do.*

BOMBAY ACT No. III OF 1888 [a].

(First published, after having received the assent of the Governor General, in the Bombay Government Gazette on the 14th September, 1888.)

An Act to consolidate and amend the law relating to the Municipal Government of the City of Bombay.

WHEREAS it is expedient to consolidate and amend the law relating to the municipal government of the City of Bombay; It is enacted as follows:— Preamble.

CHAPTER I.

PRELIMINARY.

1. This Act may be cited as the City of Bombay Municipal Act, 1888. Short title.

Except as is herein otherwise expressly provided, it extends only to the City of Bombay. Extent.

2. The enactments mentioned in Schedule A are repealed to the extent specified in the third column of the said schedule: Repeal of enactments.

Provided that—

(*a*) all rules and by-laws made, all notifications published, all orders issued and all licenses and permissions granted under

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[a] Bom. III of 1888 has, so far as regards the jurisdiction, decisions, orders and other proceedings of Appellate Benches of Municipal Authorities, Presidency and other Magistrates, Courts of Small Causes and Judges of such Courts, been declared to be as valid as if it had been passed by the Governor General of India in Council—see Act XII of 1888, s. 1.

The Bombay Municipal Servants Act is to be read with Bom. III of 1888—see Bom. V of 1890, s. 2 (2).

The Bombay Prevention of Adulteration Act, 1899, is also to be read with and construed as if it were part of Bom. III of 1888—see Bom. II of 1899, s. 2.

any of the said enactments and still in force shall, so far as they are consistent with this Act, be deemed to have been respectively made, published, issued and granted hereunder; and

(*b*) all debts and obligations incurred, all contracts entered into, and all matters and things engaged to be done by, with or for the municipal corporation before this Act comes into force shall be deemed to have been incurred, entered into or engaged to be done by, with or for the municipal corporation constituted under this Act; and

(*c*) all rates, taxes and sums of money due to the corporation when this Act comes into force shall be deemed to be due to the corporation under this Act; and

(*d*) all suits or other legal proceedings, civil or criminal, instituted or which might but for the passing of this Act have been instituted by or against the corporation or the Commissioner may be continued or instituted subject to the provisions of section 13 of Schedule R as if this Act had not been passed; and

(*e*) all references made in any Act of the Governor of Bombay in Council to any of the said enactments shall be read as if made to this Act or to the corresponding portion thereof.

Definition of terms.

3. In this Act, unless there be something repugnant in the subject or context,—

(*a*) "the city" means the City of Bombay:

(*b*) "the corporation" means the Municipal Corporation of the City of Bombay:

(*c*) "councillor" means a member of the corporation duly elected or appointed under this Act:

(*d*) "the Commissioner" means the Municipal Commissioner for the City of Bombay appointed under section 54, and includes an acting Commissioner appointed under sub-section (*3*) of section 59:

(*e*) "Deputy Commissioner" means a Deputy Municipal Commissioner appointed under section 55, and includes an acting Deputy Commissioner appointed under sub-section (*3*) of section 59:

(*f*) the "Police Commissioner" means the Commissioner of Police of Bombay:

(*g*) "Justice" means a Justice of the Peace for the town of Bombay appointed under the provisions of the Justices of the Peace Act, 1869, [a] or of any other law [b] for the time being in force in this behalf:

II of 1869. V of 1898.

(*h*) "fellow" means a fellow of the University of Bombay:

(*j*) "justices' election" and "fellows' election" mean, respectively, an election of a councillor by justices or by fellows:

(*k*) "licensed plumber" and "licensed surveyor" mean, respectively, a person licensed by the Commissioner for the purposes of this Act as a plumber or surveyor, under section 355:

(*l*) "Small Cause Court" means the Court of Small Causes of Bombay:

(*m*) "owner," when used in reference to any premises, means the person who receives

[a] Act II of 1869 was repealed by Act X of 1882, s. 3.

[b] See now s. 23 of Act V of 1898.

the rent of the said premises, or who would be entitled to receive the rent thereof if the premises were let, and includes—

(*i*) an agent or trustee who receives such rent on account of the owner; and

(*ii*) an agent or trustee who receives the rent of, or is entrusted with, or concerned for, any premises devoted to religious or charitable purposes; and

(*iii*) a receiver, sequestrator or manager appointed by any court of competent jurisdiction to have the charge of, or to exercise the rights of an owner of, the said premises;

(*n*) a person is deemed "to reside" in any dwelling which he sometimes uses, or some portion of which he sometimes uses though, perhaps, not uninterruptedly, as a sleeping apartment:

and a person is not deemed to cease "to reside" in any such dwelling merely because he is absent from it, or has elsewhere another dwelling in which he resides, if there is the liberty of returning to it at any time and no abandonment of the intention of returning thereto:

(*o*) the term "public securities" means securities of the Government of India and any securities guaranteed by Government, securities of the Bombay Port Trust, securities issued under this Act and any Bombay municipal debentures or other securities heretofore issued:

(*p*) "tax" includes any impost leviable under this Act;

(*q*) "vehicle" includes a carriage, cart, van, dray, truck, handcart and wheeled conveyance of any description capable of being used on the streets of the city:

(*r*) "land" includes land which is built upon or covered with water:

(*s*) "building" includes a house, out-house, stable, shed, hut and every other such structure, whether of masonry, bricks, wood, mud, metal or any other material whatever:

(*t*) "water-work" includes a lake, stream, spring, well, pump, reservoir, cistern, tank, duct, whether covered or open, sluice, main-pipe, culvert, engine and any machinery, land, building or thing for supplying or used for supplying water:

[a] (*u*) "drain" includes a sewer, pipe, ditch, channel and any other device for carrying off sewage, offensive matter, polluted water, sullage, waste water, rain water or sub-soil water, and any ejectors, compressed air mains, sealed sewage mains and special machinery or apparatus for raising, collecting, expelling or removing sewage or offensive matter to the sewage outfall:

(*v*) "house-gully" means a passage or strip of land constructed, set apart or utilized for the purpose of serving as a drain or of affording access to a privy, urinal, cesspool or other receptacle for filthy or polluted matter, to municipal servants or to persons employed in the cleansing thereof or in the removal of such matter therefrom:

(*w*) "street" includes any highway and any causeway, bridge, viaduct, arch, road, lane,

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[a] Clause (*u*) was substituted for the original clause by Bom. V of 1905, s. 2.

footway, square, court, alley or passage, whether a thoroughfare or not, over which the public have a right of passage or access or have passed and had access uninterruptedly for a period of twenty years; and, when there is a footway as well as a carriageway in any street, the said term includes both:

(*x*) "public street" means any street heretofore levelled, paved, metalled, channelled, sewered or repaired by the corporation, and any street which becomes a public street under any of the provisions of this Act:

(*y*) "private street" means a street which is not a public street:

(*z*) "nuisance" includes any act, omission, place, or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smelling or hearing, or which is or may be dangerous to life or injurious to health or property:

(*aa*) "dangerous disease" means cholera and any endemic, epidemic or infectious disease by which the life of man is endangered:

(*bb*) "official year" means the year commencing on the first day of April:

(*cc*) "public holiday" means a day or other period of time on or during which, by an order of Government published in the *Bombay Government Gazette*, Government offices in the city are closed:

(*dd*) "sub-section" and "clause" denote, respectively, a sub-section or clause of the section in which the word occurs.

CHAPTER II.

THE MUNICIPAL CONSTITUTION.

Municipal Authorities.

Municipal authorities charged with execution of this Act.

4. The municipal authorities charged with carrying out the provisions of this Act are—

(A) a Corporation;
(B) a Standing Committee;
(C) a Municipal Commissioner.

(*A*) THE MUNICIPAL CORPORATION.

Constitution of corporation.

5. (*1*) [[a]] The corporation shall consist of seventy-two councillors, as follows (namely):—

thirty-six elected at ward elections;
sixteen elected by justices;
two elected by fellows;
two elected by the Bombay Chamber of Commerce;
sixteen appointed by Government.

(*2*) The corporation shall, by the name of "The Municipal Corporation of the City of Bombay", be a body corporate and have perpetual succession and a common seal and by such name may sue and be sued.

Terms of Office of Councillors; Casual Vacancies, &c.

Day on which councillors are to come into office.

6. [[b]] (*2*) Councillors selected or appointed to succeed retiring councillors shall come into office on the day for the retirement of the councillors whom they are to succeed.

Day for retirement of councillors.

7. All members of the corporation constituted as aforesaid shall retire from office at noon on the

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[[a]] Portion repealed by Act XVI of 1895 is omitted.

[[b]] Sub-section (*1*), repealed by Act XVI of 1895, is omitted.

first day of April three years after they take office, which day is in this Act referred to as the day for retirement.

Re-eligibility of persons ceasing to be councillors.

8. Any person who ceases to be a councillor shall, unless disqualified, be re-eligible.

Casual vacancies how to be filled up.

9. In the event of non-acceptance of office by a person elected or appointed to be a councillor, or of the death, resignation or disqualification of a councillor, or of his becoming incapable of acting previous to the day for retirement, there shall be deemed to be a casual vacancy in the office, and such vacancy shall be filled up, as soon as it conveniently may be, by the election or appointment, as the case may be, of a person thereto, who shall hold office so long only as the councillor in whose place he is elected or appointed would have been entitled to hold it if the vacancy had not occurred.

Publication of names of councillors in the *Bombay Government Gazette.*

10. The names of all persons elected or appointed to be councillors shall be published by the Commissioner in the *Bombay Government Gazette.*

Qualifications and Disqualifications of Voters and Councillors.

Qualification of voters at ward elections.

11. (*1*) A person shall not be entitled to vote at a ward election unless he is enrolled in the municipal election roll as a voter of the ward for which such election is held.

(*2*) A person shall not be entitled to be enrolled in the municipal election roll as a voter of any ward, unless such person—

(*a*) resides or is the owner of some building or land in that ward; and

(*b*) has attained the age of twenty-one years; and unless such person, either—

(*c*) has been assessed to the qualifying tax for the half-year from the first day of April

to the thirtieth day of September last preceding the preparation of the roll, at the rate of not less than thirty rupees per annum; or

(*d*) is a graduate of some university in British India or in the United Kingdom.

(*3*) In clause (*c*) "the qualifying tax" means either the general tax or the tax on the vehicles and animals, other than vehicles and animals plying for hire or kept for the purpose of being let for hire, levied according to the provisions hereinafter contained, or the aggregate of both the said taxes.

Qualification of voters at justices' elections.

12. (*1*) A person shall not be entitled to vote at a justices' election unless he is at the time of such election a justice and is enrolled as a justice in the municipal election roll.

(*2*) A person shall not be entitled to be enrolled in the municipal election roll as a justice unless he resides in the city.

Qualification of voters at fellows' elections.

13. (*1*) A person shall not be entitled to vote at a fellows' election, unless he is at the time of such election a fellow and is enrolled as a fellow in the municipal election roll.

(*2*) A person shall not be entitled to be enrolled in the municipal election roll as a fellow unless he resides in the city.

Qualification for election as a councillor at a ward election.

14. (*1*) A person shall not be qualified to be elected at a ward election to be a councillor unless he is enrolled in the municipal election roll as a voter of some ward, or unless he is at the time of the election a justice or a fellow and is enrolled as a justice or as a fellow in the municipal election roll:

(*2*) Provided that—

(*a*) if a joint stock company is enrolled in the said roll as a voter of a ward, such enrol-

ment shall not be deemed to qualify any person to be elected to be a councillor;

(*b*) if the name of any other company or of a firm is enrolled in the said roll, any one person duly authorized by power-of-attorney to represent such company or firm shall be deemed to be qualified to be elected a councillor at a ward election.

Qualification for election as a councillor at an election by justices, or by fellows, or by the Chamber of Commerce.

15. A person shall not be qualified to be elected to be a councillor at a justices' election or a fellows' election, or an election by the Bombay Chamber of Commerce, unless he is at the time of the election a justice, or a fellow, or a member of the said Chamber, as the case may be, and unless, in the case of a justice or a fellow, he is enrolled as such in the municipal election roll.

Disqualifications for being a councillor.

16. (*1*) A person shall be disqualified for being elected or appointed and for being a councillor if such person—

(*a*) is of the female sex; or

(*b*) has been sentenced by any court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed, and if and so long as such person's disqualification on account of such sentence has not been removed by an order which the Governor in Council is hereby empowered to make, if he shall think fit, in this behalf; or if and while such person—

(*c*) is an uncertificated bankrupt or an undischarged insolvent; or

(*d*) is the Commissioner or a Deputy Commissioner or a municipal officer or servant, or a licensed surveyor or plumber; or

(*e*) is the Chief Judge of the Small Cause Court or is acting in that capacity; or

(*f*) has directly or indirectly, by himself or his partner, any share or interest in any contract or employment with, by or on behalf of, the corporation.

(*2*) But a person shall not be so disqualified or be deemed to have any share or interest in such a contract or employment by reason only of his having any share or interest in—

(*g*) any lease, sale or purchase of land or any agreement for the same; or

(*h*) any agreement for the loan of money or any security for the payment of money only; or

(*j*) any newspaper in which any advertisement relating to the affairs of the corporation is inserted; or

(*k*) any joint stock company which shall contract with or be employed by the Commissioner on behalf of the corporation; or

(*l*) the occasional sale to the Commissioner on behalf of the corporation, to a value not exceeding in any one official year two thousand rupees, of any article in which he regularly trades.

(*3*) Nor shall the Police Commissioner be deemed to be so disqualified by reason of his office merely.

A person becoming disqualified to cease to be a councillor.

17. Any councillor who—

(*a*) becomes disqualified for being a councillor for any reason mentioned in the last preceding section, or

(*b*) absents himself during three successive months from the meetings of the corporation, except from temporary illness or other cause to be approved by the corporation,

shall cease to be a councillor, and his office shall thereupon be vacant.

Questions as to disqualifications to be determined by Chief Judge of the Small Cause Court.

18. Whenever it is alleged that any councillor has become disqualified for office for any reason aforesaid, and such councillor does not admit the allegation, or whenever any councillor is himself in doubt whether or not he has become disqualified for office, such councillor or any other councillor may, and the Commissioner, at the request of the corporation, shall, apply to the Chief Judge of the Small Cause Court; and the said Chief Judge, after making such inquiry as he deems necessary, shall determine whether or not such councillor has become disqualified for being a councillor, and his decision shall be conclusive.

Municipal Election Roll.

Preparation and revision of list of persons qualified to vote.

19. (*1*) [a]On or before each first day of October,[a] the Commissioner shall prepare a list of persons appearing to be entitled to be enrolled in the municipal election roll as voters of wards, justices and fellows respectively.

(*2*) The arrangement of the list shall be alphabetical and it shall be in three parts, namely, for voters of wards, justices and fellows, respectively, and may be otherwise sub-divided as the Commissioner shall from time to time deem convenient.

(*3*) The list of voters of wards shall be made in separate lists, called ward lists, one for each ward into which the city is divided as hereinafter provided, containing the names of persons entitled to be enrolled as voters of that ward. The ward lists and the list of justices and the list of fellows shall be collectively deemed to constitute one list.

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[a] Portion repealed by Act XVI of 1895 is omitted.

(*4*) In preparing the ward lists the Commissioner shall enter therein the names of the persons who have been assessed to the qualifying tax, whether such persons be individuals, companies, firms, undivided families or other associations or bodies of individuals, and shall also enter the names of persons who have been assessed as the trustees of any building or land.

(*5*) If individual members of any company, firm, undivided family or other association or body so entered, or if trustees whose names are so entered, have been assessed on their own separate account to the qualifying tax, the Commissioner shall enter their names in the list separately.

(*6*) The Commissioner shall publish the list, prepared as aforesaid, by causing a printed copy thereof to be fixed for public inspection in a conspicuous position on every municipal office on or before the ninth day of October and to be kept so fixed during the remaining days of October. Printed copies thereof shall also be delivered to any person requiring the same, on payment of such reasonable fee for each copy as shall from time to time be prescribed by the Commissioner, with the approval of the standing committee, in this behalf.

(*7*) On or before each tenth day of October, the Commissioner shall give notice by advertisement in the local newspapers of the publication of the said list and of the place at which and the fee for which copies of it may be obtained.

(*8*) Every person whose name is not in the list so published and who claims to have it inserted therein shall, on or before the first day of November, give notice in writing of his claim to the Commissioner.

(*9*) Every person whose name is in the list may object to any other person as not being entitled to have his name retained therein. Every person

objecting shall, on or before the first day of November, give to the Commissioner and also give to the person objected to, or leave at his last known place of abode, notice in writing of the objection and of the nature thereof.

(*10*) If the name of any person is entered as a voter in more than one ward list, he may, by notice in writing, which he shall give to the Commissioner on or before the first day of November, choose for which one of those wards he shall be entitled to vote.

(*11*) If the name of an undivided family or of any association or body of individuals, other than a company or firm, has been entered in the list, or if the names of trustees, being two or more in number, of any building or land have been so entered, any one individual person duly authorized in this behalf by the members of such family, association or body or by such trustees may, by notice in writing, which he shall give to the Commissioner on or before the first day of November, apply that his name be entered in the list as the representative, for the purposes of the list, of such family, association, body or trustees.

(*12*) The Commissioner shall, on some one of the first ten days of November, revise the list prepared as aforesaid.

(*13*) He shall for this purpose hear the claims, objections and applications which have been duly made as aforesaid in open office, giving three clear days' notice of the holding of the inquiry by written notice served upon each claimant, person objecting and applicant and upon each person objected to, and also fixed on some conspicuous place in every municipal office.

(*14*) The Commissioner shall insert in the list the name of every person who has duly claimed to

have his name inserted therein and whose claim is proved to the Commissioner's satisfaction.

(*15*) The Commissioner shall expunge from the list the name of every person proved to his satisfaction to be dead and may correct any clerical error or omission in the list.

(*16*) Subject as aforesaid, the Commissioner shall retain in the list the name of every person to whom objection has not been duly made.

(*17*) The Commissioner shall also retain therein the name of every person objected to, unless the objector appears by himself or by some other person duly authorized by him in this behalf in support of the objection.

(*18*) Where the objector so appears, the Commissioner shall require proof of the qualification of the person objected to, and if within such reasonable time as the Commissioner, subject to the provision of sub-section (*22*), fixes in this behalf, such person's qualification is not proved to his satisfaction, shall expunge his name from the list.

(*19*) The Commissioner shall not retain the name of one person in more than one ward list. If any person whose name has been entered in more than one ward list has not chosen as aforesaid, the Commissioner shall determine for which one of those wards he shall be entitled to vote. But this shall not be deemed to prevent the names of individual members of companies, firms, undivided families or other associations or bodies, or of persons who are trustees, which have been separately entered in the list under sub-section (*5*), from being retained on the list for one ward each, in addition to the names of the companies, firms, undivided families or other associations or bodies of which they are, respectively, members, or in addition to the names of the trustees, as the case may be, if such individuals or

persons are entitled on their own separate account to have their names so retained.

(*20*) The name of one person may be separately entered and retained by the Commissioner in the list as a voter of a ward and as a justice and as a fellow, or in any two of those capacities, if such person is entitled to be enrolled in the municipal election roll in all or both such capacities, as the case may be.

(*21*) If no individual person has applied as aforesaid to have his name entered in the list as the representative of an undivided family or other association or body, not being a company or a firm, or of two or more trustees of any building or land, the Commissioner shall determine what individual person shall be entitled to represent such undivided family, or other association or body, or trustees, and enter his name in the list as the person qualified to vote or to be elected, in behalf of the undivided family or other association or body, or of the trustees, as the case may be.

(*22*) The Commissioner may adjourn the hearing of any matter under this section from time to time, so that no adjourned hearing be held after the tenth day of November.

Appeals against Commissioner's orders on revision of the list by whom to be heard.

20. In the event of the Commissioner rejecting any claim, objection or choice duly made under the last preceding section, the claimant or objector or person aggrieved may, at any time within five days after such rejection, apply to the Chief Judge of the Small Cause Court, and the said Chief Judge shall, within twenty days after receipt of such application and after such inquiry as he deems necessary, make such order for correcting the list or otherwise as shall seem to him fit, and his order shall be conclusive.

Completion of the municipal election roll.

21. (*1*) When the list prepared as aforesaid has been revised by the Commissioner and corrected in

compliance with any order passed in this behalf by the Chief Judge aforesaid, a printed copy thereof, signed by the Commissioner, shall be the municipal election roll and shall come into operation on the 10th of December and continue in operation for the twelve months beginning on that day.

(2) The municipal election roll shall be divided and arranged in the same manner as the list from which it is made up. The separate ward lists, when completed, as hereinbefore provided, shall be called ward rolls. The ward rolls and the justices' roll and the fellows' roll shall collectively be deemed to constitute the municipal election roll.

(3) Every person enrolled in the municipal election roll shall be deemed to be entitled to vote at a ward election or as a justice or fellow, as the case may be, provided, in the case of a justice or a fellow, that such person be still a justice or fellow, as the case may be, at the time of the election; and every person not enrolled in the said roll shall be deemed to be not entitled so to vote.

(4) Printed copies of the municipal election roll shall be delivered to any person requiring the same, on payment of such reasonable fee for each copy as shall from time to time be prescribed by the Commissioner, with the approval of the standing committee, in this behalf.

(5) If a municipal election roll is not made in due time, the municipal election roll in operation immediately before the time appointed for its preparation shall continue in operation until the new roll is made.

Elections of Councillors.

Dates of elections.

22. (1) General elections of councillors shall be fixed by the Commissioner subject to the provisions of section 23, to take place triennially on such days

in the months of January and February as he shall think fit.

(*2*) [*Repealed by Act XVI of 1895.*]

(*3*) Elections to fill casual vacancies shall be fixed by the Commissioner to take place on such days as he shall think fit as soon as conveniently may be after the occurrence of the vacancies.

Order in which general elections are to be held.

23. The dates for all general elections shall be fixed in the following order and with the following intervals, namely :—

first, the ward elections shall be fixed to take place simultaneously for all the wards;

secondly, the day for election by the Bombay Chamber of Commerce shall be fixed at an interval not exceeding twenty-one days after the day fixed for the ward election;

thirdly, the day for the justices' election shall be fixed at an interval not exceeding seven days after the day fixed for the election by the Bombay Chamber of Commerce ;

fourthly, the day for the fellows' election shall be fixed at an interval not exceeding fourteen days after the day fixed for the justices' election.

Division of the city into wards for purposes of elections.

24. (*1*) For the purposes of elections, the city shall be divided into wards and the number of councillors to be elected at ward elections shall be apportioned over the said wards.

(*2*) The corporation may, with the sanction of Government, from time to time alter the number and boundaries of the wards and re-apportion the councillors to be elected at ward elections among the wards, but not so as that any such alteration or re-apportionment shall first have effect at a ward election to fill a casual vacancy.

(*3*) Unless and until they are so altered or re-apportioned, the number and respective boundaries of the wards and the number of councillors to be elected for each ward shall be as specified in Schedule B.

Notice to be given of day fixed for ward elections and justices' elections.

25. Fifteen days at least before the day fixed for a ward election or for a justices' election, notice of such election shall be given by the Commissioner. Such notice shall be given by advertisement in the *Bombay Government Gazette* and in the local newspapers, and, in the case of a ward election, by posting placards in conspicuous places in the ward for which such election is to take place.

Candidates at ward elections and justices' elections must be nominated.

26. (*1*) Candidates for election at a ward election or a justices' election must be duly nominated in writing in accordance with the provisions hereinafter contained.

Provisions regarding nominations.

(*2*) With respect to such nominations, the following provisions shall have effect, namely:—

(*a*) The Commissioner shall provide printed forms of nomination-papers, and any person entitled to vote at the election shall be supplied, at any time within seven days previous to the day fixed for the election, with as many such forms as may be required, free of charge;

(*b*) each nomination-paper must state the name, abode and description of the candidate in full, and be subscribed by two persons entitled to vote at the election as proposer and seconder;

(*c*) every nomination-paper subscribed as aforesaid must be delivered at the Commissioner's office before five o'clock in the afternoon of the day fixed for the election;

(*d*) each candidate must be nominated by a separate nomination-paper, but any person

entitled to vote at the election may subscribe as many nomination-papers as there are vacancies to be filled, but no more;

(*e*) if any person nominated—

(*i*) is not enrolled in the municipal election roll as voter of a ward or as a justice or as a fellow, or

(*ii*) although enrolled in the municipal election roll as a justice or a fellow, has ceased to be a justice or a fellow, or

(*iii*) is disqualified for being a councillor for any of the reasons set forth in section 16,

the Commissioner shall declare such person's nomination invalid;

(*f*) if there is no valid nomination, it shall be deemed that no councillor has been elected and proceedings for filling the vacancy or vacancies shall be taken under section 34;

(*g*) if the number of valid nominations is less than that of the vacancies, the persons nominated shall be deemed to be elected, and for the remaining vacancy or vacancies it shall be deemed that no councillor has been elected and proceedings for filling such vacancy or vacancies shall be taken under section 34;

(*h*) if the number of valid nominations is the same as that of the vacancies, the persons nominated shall be deemed to be elected;

(*j*) if the number of valid nominations exceeds that of the vacancies, the election of councillors shall be made from among the persons nominated, and such election shall be termed "a contested election":

[a] provided that if any candidate validly nominated signifies his intention in writing to the Commissioner three days before the day fixed for the election not to contest the election, then, if the remaining number of valid nominations is less than or the same as that of the vacancies, the remaining candidates validly nominated shall be deemed to be elected [a];

(*k*) if, when two or more ward elections are held simultaneously for different wards, any person is deemed, under clause (*g*) or clause (*h*), to be elected a councillor for more than one ward, he shall, within twenty-four hours after receipt of written notice thereof from the Commissioner, choose, by writing signed by him and delivered to the Commissioner, or, in his default, the Commissioner shall, when the time for choice has expired, declare for which one of those wards he shall serve. The choice or declaration so made shall be conclusive, and such person's nomination for the ward or wards for which he is not to serve shall be deemed to be null and void;

(*l*) if, when ward elections are held as aforesaid, any person who is deemed, under clause (*g*) or clause (*h*), to be elected a councillor for any one or more wards, has also been duly nominated for any one or more wards for which the number of nominations exceeds that of the vacancies, he shall within twenty-four hours after receipt of written notice thereof from the Commissioner choose, by writing signed

[a-a] This proviso was added by Bom. V of 1905, s. 3.

by him and delivered to the Commissioner, whether he shall serve for the ward, or for any one of the wards for which he is elected, or will stand as a candidate at the contested election or elections for the other ward or wards. In his default, the Commissioner shall, when the time for choice has expired, declare that he shall serve for the ward or for some one of the wards for which he is elected, and his nomination for any other ward shall be deemed to be null and void. If such person chooses, by writing as aforesaid, to stand as a candidate at the contested election or elections, his nomination for the ward or wards for which he is elected shall be deemed to be null and void. Any choice or declaration made under this clause shall be conclusive.

Poll to be taken when a ward election or a justices' election is contested.

27. (*1*) When a ward election or a justices' election is contested, a poll shall be taken seven days after the day fixed for the election. At such poll, the municipal election roll, which was in operation on the day fixed for the election, shall be deemed to be the roll to which reference must be made for the purposes of the election.

Names of candidates validly nominated to be published.

(*2*) At least four days before the day of the poll, the Commissioner shall cause the names of all the persons validly nominated, with their respective abodes and descriptions and the names of the persons subscribing their respective nomination-papers as proposers and seconders, to be published in the *Bombay Government Gazette* and in the local newspapers.

Provisions respecting contested ward elections.

28. With respect to contested ward elections, the following provisions shall have effect, namely—

(*a*) one or more polling-places shall be provided by the Commissioner for each ward, as he thinks fit, and the Commissioner may

appoint such and so many polling-officers and other persons to assist at the poll as he shall think fit, and, with the approval of the standing committee, pay them such reasonable remuneration for their services as he shall determine;

(*b*) the poll shall commence at nine o'clock in the forenoon and close at six o'clock in the afternoon of the same day;

[a] (*c*) the Commissioner shall have voting-papers printed in such form as he from time to time thinks fit, and from eight o'clock in the forenoon to six o'clock in the afternoon on the day of the poll such voting-papers shall be supplied free of charge at each polling-place to persons entitled to vote;

(*d*) at each election for any ward, every voter shall be entitled to a number of votes equal to the number of councillors to be elected at such election for such ward, and may give all such votes to one candidate, or may distribute them among the candidates, as he thinks fit;

(*e*) no vote shall be received for any candidate whose name has not been published by the Commissioner, under sub-section (*2*) of section 27, as having been validly nominated;

(*f*) no vote shall be received from any person whose name is not enrolled in the ward-roll as a voter of the ward for which the election is being held;

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[a] Clause (*c*) was substituted for the original clause by Bom. V of 1905, s. 4 (*1*).

(*g*) when the name in the ward-roll is that of a joint-stock company, a vote on behalf of the said company may be received from its secretary, agent or manager;

(*h*) when the name in the ward-roll is that of any company, other than a joint-stock company, or of a firm, a vote on behalf of such company or firm may be received from any person who produces to the polling-officer a power-of-attorney authorizing him to represent the said company or firm for the purpose of the election;

(*j*) the polling-officer shall, if required by two persons whose names are enrolled in the ward-roll, or by a candidate, put to any person offering to vote, at the time of his presenting his voting-paper, but not afterwards, the following questions, or either of them:—

(*i*) Are you the person enrolled in the ward-roll as follows (*read the whole entry from the roll*)?

(*ii*) Have you already voted at the present election (*add, in case of simultaneous elections in two or more wards*, or at any election being at present held for any other ward)?

(*k*) A person to whom either of the said questions is put shall be bound to answer the same truly. His voting-paper shall not be received until he has answered the question or questions so put to him;

(*l*) except as aforesaid, no inquiry shall be permitted at a ward election as to the right of any person to vote thereat;

(*m*) the answers or answer made by any person to whom the said questions or either of

them are or is put shall be recorded by the polling-officer under his signature in writing, and such writing, together with the said person's voting-paper, shall be forwarded by the polling-officer, at the close of the poll, separately from the voting-papers of the persons whose right to vote has not been challenged as aforesaid; and the polling-officer shall direct the parties [a] challenging to appear before the Commissioner to substantiate the challenge within three days after the poll; [a]

(*n*) the name of the person, or of every person for whom a voter votes, and all other details prescribed by the form of the voting-paper, shall be written legibly, in English, in the voting-paper, and the voter shall sign, or attach his mark to the voting-paper, in the presence of the polling-officer, and the said officer shall attest each such signature or mark and shall attach consecutive numbers to each of the voting-papers presented to him;

(*o*) after the close of the poll, the polling-officer shall forward all the voting-papers presented to him, in one or more packets duly secured and sealed, to the Commissioner, together with a list of the cases, if any, in which a person's right to vote has been challenged;

(*p*) [b] the Commissioner shall, as soon as may be, declare the results of the poll, specifying the total number of valid votes given for each candidate. He shall also [b], as soon as may be, hear and decide

[a-a] These words were substituted for the original words by Bom. V of 1905, s. 4 (*2*).

[b-b] These words were inserted by Bom. V of 1905, s. 4 (*3*) (*a*).

upon all challenges and other objections, if any, to or regarding the poll, made to him in writing not later than five o'clock in the afternoon of the day after the poll, [a] and shall, before declaring the results of the contested election, cause lists to be prepared for each ward, specifying the names of all candidates, the names of all voters who voted, the number of valid, and the number of rejected, votes given to each candidate, and the reasons for rejection. In accordance with such rules as the Commissioner may frame for the purpose and on payment of such fee as may be prescribed by him, a copy of such lists shall be supplied to any candidate of the ward, and shall be available for inspection to any voter of the ward [a]. The said lists and the voting-papers on which they are based shall be kept in the Commissioner's office, unless called for in the meantime by the Chief Judge of the Small Cause Court for the purpose of any appeal, for three months ;

(*q*) the person, or, where there is more than one councillor to be elected, the persons not exceeding the number of councillors to be elected, who have the greatest number of valid votes, shall be deemed to be elected ;

(*r*) where an equality of such votes is found to exist between any candidates and the addition of a vote would entitle any of those candidates to be declared elected, the

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[a-a] These words were inserted by Bom. V of 1905, s. 4 (*3*) (*b*).

determination of the person or persons to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Commissioner in such manner as he shall determine;

(*s*) if a candidate is elected councillor for more than one ward, he shall, within twenty-four hours after receipt of written notice thereof from the Commissioner, choose, by writing signed by him and delivered to the Commissioner, or, in his default, the Commissioner shall, when the time for choice has expired, declare for which of those wards he shall serve, and the choice or declaration shall be conclusive;

(*t*) when any such choice or declaration has been made, the votes recorded for the candidate aforesaid in any ward for which he is not to serve shall be deemed not to have been given, and the candidate, if any, who, but for the said votes, would have been declared elected for such ward, shall be deemed to have been duly elected for the same.

Provisions regarding justices' contested elections.

29. With respect to justices' contested elections the following provisions shall have effect, namely :—

(*a*) the poll shall be taken at a meeting of the justices, of the time and place of which reasonable notice shall be given by the Commissioner by advertisement in the *Bombay Government Gazette* and in the local newspapers and which shall be presided over by such one of the justices present, as may be chosen by the meeting to be chairman for the occasion;

(*b*) every person entitled to vote may vote by signing and personally delivering, at the

meeting held in accordance with the notice given under clause (*a*), to the chairman of such meeting, a voting-paper containing the name in full of the candidate or of each of the candidates for whom he votes;

(*c*) every voter shall be entitled to vote for any number of candidates not exceeding the number of vacancies;

(*d*) no vote shall be received for any candidate whose name has not been published by the Commissioner, under sub-section (*2*) of section 27, as having been validly nominated;

(*e*) no vote shall be received from any person whose name is not enrolled in the justices' roll or who is not on the day of the meeting a justice;

(*f*) the chairman of the meeting, as soon as all the voting-papers of the justices present and voting have been delivered to him, shall close the meeting and shall, as soon as may be, cause lists to be prepared of the valid votes given for each candidate. The said lists, and the voting-papers on which they are based, shall be delivered by the chairman of the meeting to the municipal secretary, by whom, unless they are called for in the meantime by the Chief Judge of the Small Cause Court for the purpose of any appeal, they shall be kept for three months;

(*g*) the person, or, where there is more than one councillor to be elected, the persons not exceeding the number of councillors to be elected, who have the greatest number of valid votes shall be deemed to be elected;

(*h*) in case of an equality of such votes, the chairman of the meeting shall have a second or casting vote;

(*j*) the chairman of the meeting shall make a return in duplicate to the Commissioner setting forth the name in full of every person elected at themeeting.

Proceedings at fellows' elections.

30. (*1*) Elections of councillors by fellows shall be made, subject to the provisions of section 15, in such manner as shall from time to time be determined at a meeting of the Senate of the University of Bombay convened in accordance with the rules at the time in force in this behalf: Provided that no vote shall be received from any person whose name is not enrolled in the fellows' roll or who is not on the day of the meeting a fellow.

(*2*) The Registrar of the University shall make a return in duplicate to the Commissioner setting forth the name, abode and description of every person so elected.

Proceedings at elections by the Chamber of Commerce.

31. (*1*) Elections of councillors by the Bombay Chamber of Commerce shall be made by the members for the time being of the said Chamber, subject to the provisions of section 15, in such manner as shall from time to time be determined at a meeting of the said Chamber convened in accordance with the rules at the time in force in this behalf.

(*2*) The Secretary to the said Chamber shall make a return in duplicate to the Commissioner setting forth the name in full of every person so elected.

Declaration of results of elections.

32. (*1*) The result of every election shall be declared by fixing, as soon as may be after the election, in some conspicuous place on the chief municipal office, a notice certifying the names of the persons, if any, elected and, in the case of a

contested election, the number of votes recorded for each candidate.

(*2*) The said notice shall be signed, in the case of a ward election and in the case of a justices' election which is not contested, by the Commissioner, in the case of a contested justices' election, by the chairman of the meeting of justices at which the election took place, in the case of a fellows' election, by the Registrar of the University of Bombay, and in the case of an election by the Bombay Chamber of Commerce, by the Secretary of that Chamber.

Election petitions to be heard and disposed of by Chief Judge of the Small Cause Court.

33. (*1*) If the qualification of any person declared to be elected for being a councillor is disputed, or if the validity of any election is questioned, whether by reason of the improper rejection by the Commissioner of a nomination or of the improper reception or refusal of a vote, or for any other cause, any person enrolled in the municipal election roll may, at any time, within fifteen [a] days after the result of the election has been declared, apply to the Chief Judge of the Small Cause Court. [b] .If the application is for a declaration that any particular candidate shall be deemed to have been elected, the applicant shall make parties to his application all candidates who, although not declared elected, have, according to the results declared by the Commissioner under section 32, a greater number of votes than the said candidate, and proceed against them in the same manner as against the said candidate.[b]

(*2*) If the said Chief Judge, after making such inquiry as he deems necessary, finds that the election was a valid election and that the person whose election is objected to is not disqualified, he shall

[a] "Fifteen" was substituted for "eight" by Bom. V of 1905, s. 5 (*1*) (*a*).
[b-b] These words were added by Bom. V of 1905, s. 5 (*1*) (*b*).

confirm the declared result of the election. [a] If he finds that the person whose election is objected to is disqualified for being a councillor he shall declare such person's election null and void. If he finds that the election is not a valid election he shall set it aside. In either case he shall direct that the candidate, if any, in whose favour the next highest number of valid votes is recorded after the said person or after all the persons who were returned as elected at the said election, and against whose election no cause of objection is found, shall be deemed to have been elected.[a]

(*3*) The said Chief Judge's order shall be conclusive.

(*4*) If he sets aside an election or if, when he declares a person who has been declared elected disqualified for being a councillor, there is no other candidate who can be deemed to have been elected, proceedings for filling the vacancy or vacancies shall be taken under section 34.

(*5*) Every election not called in question in accordance with the foregoing provisions shall be deemed to have been to all intents a good and valid election.

Procedure if election fails.

34. (*1*) If from any cause no councillor is elected at any general election, [b] the retiring councillor or councillors shall, if willing to serve, be deemed to be re-elected.

(*2*) If, in any such case the retiring councillor is not willing to serve, or some of the retiring councillors are willing to serve and some are not, or

if, in the case [b] of an election to fill a casual vacancy, no councillor is elected, or

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[a-a] These words were substituted for the original words by Bom. V of 1905, s. 5. (*2*).

[b] Portion repealed by Act XVI of 1895 is omitted.

if, in the case of any election, an insufficient number of councillors are elected,

the Commissioner shall without delay inform the corporation of the circumstances, and thereupon the corporation, so far as it is constituted, may appoint a duly qualified person to fill the vacancy, or each vacancy, as the case may be, and, if the corporation shall fail within fifteen days after receipt of such information to appoint a person as aforesaid, the Commissioner shall appoint another day for holding a fresh election.

(*3*) A fresh election held under this section shall be held subject in all respects to the same provisions as if it were an election to fill a casual vacancy.

Appointment of Councillors by Government.

Government appointments of councillors when to be made.

35. (*1*) [*Repealed by Act XVI of 1895.*]

(*2*) [a] Appointments[b] of councillors by Government to succeed retiring councillors shall be made triennially not less than seven days before the day for retirement.

(*3*) Appointments of councillors by Government to fill casual vacancies shall be made as soon as conveniently may be after the occurrence of such vacancies.

Proceedings of the Corporation.

Provisions regulating the corporation's proceedings.

36. The corporation shall meet for the despatch of business and shall from time to time make such regulations with respect to the summoning, notice, place, management and adjournment of such

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[a] Portion repealed by Act XVI of 1895 is omitted.

[b] "Appointments" was substituted for "Appointment" by Act XVI of 1895.

meetings, and generally with respect to the mode of transacting and managing the business of the corporation as they think fit, subject to the following conditions—

(*a*) there shall be one ordinary meeting in each month; the ordinary meeting in the month of March shall be held not later than on the twentieth day of that month;

(*b*) the first meeting in the month of April, after general elections, shall be held as early as conveniently may be in the said month on a day and at a time and place to be fixed by the Commissioner, and if not held on that day shall be held on some subsequent day to be fixed by the Commissioner;

(*c*) the day, time and place of meeting shall in every other case be fixed by the president of the corporation, or in the event of the office of president being vacant, or of the death or resignation of the president or of his ceasing to be a councillor, or of his being incapable of acting, by the chairman of the standing committee;

(*d*) the president of the corporation or in any such event as aforesaid, the chairman of the standing committee may, whenever he thinks fit, and shall, upon a written requisition signed by not less than sixteen councillors or by not less than four members of the standing committee, call a special meeting;

(*e*) every meeting shall be open to the public, unless a majority of the councillors present thereat decide by a resolution, which shall be put by the presiding authority, of his own motion or at the request of any

councillor present, without previous discussion, that any inquiry or deliberation pending before the corporation is such as should be held in private, and provided that the presiding authority may at any time cause any person to be removed who interrupts the proceedings;

(*f*) if at any time during a meeting it shall be brought to the notice of the presiding authority that the number of councillors present falls short of twenty, inclusive of the presiding authority, the presiding authority shall adjourn the meeting to some other day, fixing such time and place for the same as he shall think convenient, and the business which remains undisposed of at such meeting shall be disposed of at the adjourned meeting or, if the latter meeting should be again adjourned, at any subsequent adjourned meeting, whether there be a quorum of twenty members present thereat or not;

(*g*) every meeting shall be presided over by the president, if he is present at the time appointed for holding the same, and if the office of president is vacant, or if the president is absent, by such one of the councillors present as may be chosen by the meeting to be chairman for the occasion;

(*h*) at least seven clear days' notice shall ordinarily be given of every meeting, other than an adjourned meeting, but in cases of urgency any such meeting may be called, except for the purpose of considering an annual budget-estimate, in pursuance of a written requisition signed by not less than four members of the standing committee, upon a notice of not less than

three clear days; of adjourned meetings such previous notice shall be given as shall be practicable having regard to the period of the adjournment;

(*j*) every notice of a meeting shall specify the time and place at which such meeting is to be held and the business to be transacted thereat and shall be given by the municipal secretary by advertisement in the local newspapers and, except in the case of adjourned meetings or of meetings called upon a requisition of urgency, in the *Bombay Government Gazette*;

(*k*) any councillor who desires at any meeting to bring forward any business, or to make any substantive proposition, which is not already specified in the notice of such meeting, shall give written notice of the same to the municipal secretary at least three clear days before the day fixed for the meeting; and a supplementary announcement of the business or propositions, of which notice has been so given, shall be given by the said secretary in not less than one local daily newspaper not later than the day previous to the meeting;

(*l*) except at a meeting called on a requisition of urgency or at the discussion at any meeting of a budget-estimate, no business shall be transacted at any meeting other than the business specified in the notice published under clause (*j*) or urgent business not specified in the said notice which the standing committee or the Commissioner deem it expedient to bring before the meeting, and no substantive proposition shall be made or discussed which is

not specified in the said notice or in the supplementary announcement, if any, published under clause (*k*), or which is not in support of the recommendation of the standing committee or of the Commissioner with reference to any urgent business brought by either of those authorities, respectively before the meeting: Provided that no such urgent business as aforesaid shall be brought before any meeting, unless at least three-fourths of the councillors present at such meeting, such three-fourths being not less than fifteen in number, assent to its being brought forward thereat;

(*m*) at a meeting called on a requisition of urgency and during the discussion at any meeting of a budget-estimate, no business shall be transacted and no substantive proposition shall be made or discussed which does not directly relate to the business for which the urgent meeting was called, or to the budget-estimate, as the case may be; and no proposition involving any change in the taxes which the standing committee propose to impose, or an increase or decrease of any item of expenditure in a budget-estimate, shall be made or discussed at any meeting at which such budget-estimate is under consideration, unless such proposition is specified in the notice of the meeting published under clause (*j*) or in the supplementary announcement, if any, published under clause (*k*), or unless, in the case of an adjourned meeting, each of the conditions mentioned in the proviso to clause (*n*) has been fulfilled;

(*n*) any meeting may, with the consent of a majority of the councillors present, be adjourned from time to time, but no business shall be transacted and, except as is hereinafter provided, no proposition shall be discussed at any adjourned meeting other than the business and propositions remaining undisposed of at the meeting from which the adjournment took place: Provided that at any adjourned meeting at which a budget-estimate is under consideration a proposition involving any change such as is described in clause (*m*), may be made and discussed, notwithstanding that such proposition is not one remaining undisposed of at the meeting from which the adjournment took place, if each of the following conditions has been fulfilled, namely—

(*i*) that written notice of such proposition has been given at the meeting from which the adjournment took place;

(*ii*) that the adjournment has been for not less than three clear days; and

(*iii*) that a special announcement of the proposition has been given by the municipal secretary (who shall be bound to give such announcement) in not less than one local daily newspaper not later than the day previous to the adjourned meeting;

(*o*) a minute of the names of the councillors present and of the proceedings at every meeting shall, on the day following the meeting, or as soon thereafter as may be, be drawn up and fairly entered by the municipal secretary in a book to be provided for this purpose and shall be signed

at, and by the presiding authority of, the next ensuing meeting; and the said minute-book shall at all reasonable times be open at the chief municipal office to inspection by any councillor free of charge, and by any other person on payment of a fee of eight annas;

(*p*) a councillor shall not vote or take part in the discussion of any matter before a meeting in which he has, directly or indirectly, by himself or by his partner, any share or interest such as is described in clauses (*g*) to (*l*), both inclusive, of section 16, or in which he is professionally interested on behalf of a client, principal or other person;

(*q*) every question other than the question whether the standing committee or the Commissioner shall be permitted to bring urgent business before a meeting without notice, shall be decided by a majority of votes of the councillors present and voting on that question, the presiding authority having a second or casting vote when there is an equality of votes;

(*r*) a declaration by the presiding authority that a proposition has been carried and an entry to that effect in the minute-book shall, unless a poll be demanded at the time of such declaration by not less than four councillors, be conclusive evidence of the fact, without proof of the number of votes given for or against the proposition;

(*s*) when a poll is taken, the vote of each councillor present and voting upon the proposition shall be taken by tellers appointed by the presiding authority and the

names of the councillors voting respectively for or against the proposition shall be recorded in the minute-book;

(*t*) the Commissioner shall have the same right of being present at a meeting of the corporation and of taking part in the discussions thereat as a councillor, and with the consent of a majority of the councillors present, ascertained by a show of hands, without discussion, may at any time make a statement or explanation of facts, but he shall not be at liberty to vote upon, or to make any proposition at such meeting.

President of the Corporation.

Appointment of president of the corporation.

37. (*1*) The corporation shall, at their first meeting in each official year, appoint one of their own number to be president until the first meeting of the corporation in the next following official year, unless the councillors in the meantime retire from office, and then until the day for retirement.

(*2*) Any councillor who ceases to be president shall be re-eligible.

(*3*) If any casual vacancy occurs in the office of president of the corporation, the corporation shall, as soon as they conveniently can after the occurrence of such vacancy, choose one of their number to fill such vacancy and every president so chosen shall continue in office so long only as the person in whose place he is appointed would have been entitled to continue if such vacancy had not occurred.

Committees.

Appointment of consultative committees for special purposes.

38. The corporation may from time to time appoint out of their own body such and so many committees consisting of such number of persons, and may refer to such committees for inquiry and

report or for opinion, such special subjects relating to the purposes of this Act as they shall think fit.

Appointment by the corporation and by Government of a Joint Schools' Committee for purposes of primary education.

39. (*1*) It shall be the duty of the corporation and of Government each to appoint four members of a Joint Schools' Committee of eight members, for the purpose of giving effect to the provisions as to primary education hereinafter enacted.

(*2*) [a] The members [a] duly appointed may perform all the functions legally pertaining to the committee, notwithstanding any default, delay or defect in the appointment of any member.

(*3*) [a] The two senior members shall retire at the end of each calendar year, and two shall be appointed or re-appointed by Government or by the corporation, whereof each shall appoint to the place vacated by any member previously appointed by itself, whether such vacancy have arisen as aforesaid or by death or resignation of the member.

(*4*) The names of all persons appointed to be members of the said committee shall be published by the municipal secretary in the *Bombay Government Gazette*.

(*5*) The Joint Schools' Committee shall, by election from amongst its own members, appoint one member to be chairman for the current term of his office or for any shorter period. The chairman so appointed shall preside and, in his absence, the senior member according to date of first appointment or, in case of equality of date, the member whose name appears first in the list published in the *Bombay Government Gazette* shall preside at meetings of the committee. He shall have a vote and, in case of equal division, a casting vote.

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[a] Portion repealed by Act XVI of 1895 is omitted.

(*6*) The corporation shall provide for the Joint Schools' Committee a competent secretary and such clerks and messengers as shall be necessary. It shall also supply the committee with accommodation, stationery and the other material requisites for the due discharge of its duties on the requisition of the chairman, signified by him, by any member of the committee, or by the secretary.

(*7*) The Joint Schools' Committee shall administer the school-fund hereinafter defined and prescribed and shall provide thereout for the accommodation and maintenance of primary schools which at any time vest wholly or partly in the corporation and for otherwise aiding primary education in accordance with by-laws duly made under section 461, and with rules made or approved by Government in this behalf.

(*8*) An order signed by the chairman of the said committee shall be sufficient warrant for the disbursement by any person holding the school-fund or any part thereof, of any sum thereout in accordance with such order.

(*9*) The Joint Schools' Committee shall appoint and remove masters, teachers and other persons employed in the primary schools maintained out of the school-fund, and shall direct and control the instruction given in such schools and the terms and conditions of such instruction, and annex to the aid given to other primary schools such terms as shall seem expedient, subject always to by-laws duly made under section 461 and to rules made or approved by Government in this behalf.

(*10*) The Joint Schools' Committee may, by by-law duly made under section 461, be invested with the powers and duties of any authority constituted under this Act, in so far as shall be necessary or expedient in order to the fulfilment of the functions imposed on such committee as contemplated in this

section and in section 61, clause (*q*), and to the extent to which such committee is invested as aforesaid, the powers and duties of the said authority shall be in abeyance, save as so vested and exercised accordingly.

Committee may be appointed for other educational purposes.

40. The corporation may, for the purpose of giving effect to measures and arrangements in furtherance of secondary education or any branch of technical or other instruction, appoint or join in appointing a committee in the manner described in the last preceding section or as may be determined by any by-law made under section 461, and such committee shall have in relation to the branch of education and the institutions for which it is appointed the like powers and duties as are herein assigned to the Joint Schools' Committee, save as the same may be varied by any by-law made under the said section.

Appointment of Hospital Committee.

41. The corporation, either singly or in concurrence with Government, may appoint a Hospital Committee with such constitution, powers and duties with respect to hospitals and institutions for the benefit of the aged, sick and infirm, vesting wholly or partly in the corporation and supported or aided out of its funds, as may be defined and provided by by-laws made under section 461 or by any agreement made with Government in this behalf.

(*B*) THE STANDING COMMITTEE.

Constitution of standing committee.

42. The standing committee shall consist of twelve councillors, eight appointed by the corporation and four by Government.

Members of the standing committee when to be appointed.

43. (*1*) The corporation shall at their first meeting in the month of April, after general elections, appoint eight persons out of their own body to be members of the standing committee.

(*2*) Four other councillors shall be appointed by Government to be members of the standing com-

mittee within one week after such appointment by the corporation.

Appointment of chairman of standing committee.

44. (*1*) The standing committee shall at their first meeting in each official year appoint one of their own number to be their chairman until the first meeting of the said committee in the next following official year.

(*2*) A member of the standing committee who ceases to be chairman shall be re-eligible.

(*3*) If any casual vacancy occurs in the office of chairman, the standing committee shall, as soon as they conveniently can after the occurrence of such vacancy, choose one of their number to fill such vacancy and every chairman so chosen shall continue in office so long only as the person in whose place he is appointed would have been entitled to continue if such vacancy had not occurred.

Members of the standing committee to retire by rotation.

45. (*1*) One-half of the members of each standing committee appointed by the corporation and one-half of those appointed by Government, the selection of the said members being made by lot at such time previous to the first day of March and in such manner as the chairman shall determine, shall retire from office at noon on the first day of April next following the date of their appointment.

(*2*) The remaining members of the standing committee shall retire from office at noon on the first day of April next following the first day of April aforesaid.

Appointment of members of standing committee to replace those who retire.

46. (*1*) The corporation shall at their ordinary meeting in the month of March appoint fresh members of the standing committee to fill the offices of those previously appointed by them who retire from time to time as aforesaid, and, within one week after any such appointment by the corporation, Government shall appoint fresh members to fill the offices

of those previously appointed by them who retire as aforesaid.

(*2*) Any councillor who ceases to be a member of the standing committee shall be re-eligible.

Casual vacancies in the standing committee how to be filled up.

47. In the event of non-acceptance of office by a councillor appointed to be a member of the standing committee or of the death, resignation or disqualification of a member of the said committee or of his becoming incapable of acting previous to the expiry of his term of office, the vacancy shall be filled up, as soon as it conveniently may be, by the appointment by the corporation or by Government, as the case may be, of a person thereto, who shall hold office so long only as the member in whose place he is appointed would have been entitled to hold it, if the vacancy had not occurred.

Each standing committee to continue in office till a new committee is appointed.

48. The standing committee in existence on the day for the retirement of councillors shall continue to hold office until such time as a new standing committee is appointed under section 43, notwithstanding that the members of the said committee or some of them may no longer be councillors.

Provisions regulating the proceedings of the standing committee.

49. The standing committee shall meet for the despatch of business in the chief municipal office and may, from time to time, make such regulations with respect to such meetings and with respect to the scrutiny of the municipal accounts as they think fit, subject to the following conditions—

(*a*) there shall be a meeting of the standing committee once a week, and at such other times as shall be found necessary;

(*b*) the first meeting of each standing committee shall be held on a day and at a time to be fixed by the Commissioner, and if not held on that day shall be held on some subsequent day to be fixed by the Commissioner; and every subsequent meeting of

the standing committee shall be held on such day and at such time as the said committee from time to time determine;

(*c*) the chairman of the standing committee shall, upon a written requisition signed by the Commissioner, call a special meeting of the said committee within twenty-four hours for the transaction of any business which, in the opinion of the Commissioner, cannot be delayed until the next ordinary meeting of the said committee;

(*d*) no business shall be transacted at a meeting of the standing committee unless at least six members are present from the beginning to the end of such meeting;

(*e*) every meeting of the standing committee shall be presided over by the chairman, if the chairman is present at the time appointed for holding the meeting, and, if the chairman is absent, by such one of the members present as may be chosen by the meeting to be chairman for the occasion;

(*f*) every question shall be decided by a majority of votes of the members of the standing committee present and voting on that question the presiding authority having a second or casting vote when there is an equality of votes;

(*g*) subject to any by-laws in this behalf made under clause (*t*) of section 461, the standing committee may from time to time, by a specific resolution in this behalf, delegate any of their powers or duties to sub-committees consisting of such members of the said committee not less in number than three on each sub-committee, as they think fit; and any sub-committee so formed shall

conform to any instructions that may from time to time be given to them by the standing committee and the said committee may at any time discontinue or alter the constitution of any sub-committee so formed;

(*h*) a sub-committee may elect a chairman of their meetings, and if no such chairman is elected or if he is not present at the time appointed for holding any meeting, the members of the sub-committee present shall choose one of their number to be chairman of such meeting;

(*i*) sub-committees may meet and adjourn as they think proper, but the chairman of the standing committee may, whenever he thinks fit, and shall, upon the written request of not less than two members of a sub-committee, call a special meeting of such sub-committee;

(*k*) questions at any meeting of a sub-committee shall be decided by a majority of votes of the members present and, in case of an equality of votes, the chairman of the meeting shall have a second or casting vote, but no business shall be transacted at any such meeting unless at least two-thirds of the members of the sub-committee are present from the beginning to the end thereof;

(*l*) a minute shall be kept by the municipal secretary of the names of the members present and of the proceedings at each meeting of the standing committee and at each sub-committee's meetings in a book to be provided for this purpose, which shall be signed at, and by the presiding authority of, the next ensuing meeting;

(*m*) a member of the standing committee shall not vote or take part in the discussion before the said committee or before any sub-committee of any matter in which he has, directly or indirectly, by himself or by his partner, any share or interest such as is described in clauses (*g*) to (*l*), both inclusive, of section 16, or in which he is professionally interested on behalf of a client, principal or other person ;

(*n*) the Commissioner shall have the same right of being present at a meeting of the standing committee and of taking part in the discussions thereat as a member of the said committee, but he shall not be at liberty to vote upon, or make, any proposition at such meeting.

Fees payable to members of the standing committee.

50. Every member of the standing committee shall be entitled to receive a fee of thirty rupees for each meeting of the said committee at which a quorum is present and business is transacted and which he attends from the beginning to the end thereof : Provided that no more than one fee shall be paid to any member for his attendance at all such meetings in any one week.

Provisions regarding validity of Proceedings.

Vacancy in corporation, &c., not to invalidate their proceedings.

51. No act or proceeding of the corporation or of the standing committee or of any committee or sub-committee appointed under this Act shall be questioned on account of any vacancy in their body.

Proceedings of corporation, &c., not vitiated by disqualification, &c., of members thereof.

52. No disqualification of, or defect in, the election or appointment of any person acting as a councillor or as the president or presiding authority of the corporation or as the chairman or as a member of the standing committee or of any committee or sub-committee appointed under this Act shall be

deemed to vitiate any act or proceeding of the corporation or standing committee or of any such committee or sub-committee, as the case may be, in which such person has taken part, whenever the majority of persons, parties to such act or proceeding, were entitled to act.

Proceedings of meetings to be deemed to be good and valid until the contrary is proved.

53. Until the contrary is proved, every meeting of the corporation or standing committee or of a committee or sub-committee in respect of the proceedings whereof a minute has been made and signed in accordance with this Act shall be deemed to have been duly convened and held, and all the members of the meeting shall be deemed to have been duly qualified; and where the proceedings are proceedings of a committee or sub-committee, such committee or sub-committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute.

(*C*) THE MUNICIPAL COMMISSIONER.

Appointment of the Commissioner.

54. (*1*) The Municipal Commissioner for the City of Bombay shall be from time to time appointed by the Governor in Council for a renewable period of three years.

(*2*) But he shall be forthwith removed by Government from office, if at a meeting of the Corporation not less than forty-five councillors shall vote in favour of a proposition in this behalf; and he may be removed by the Governor in Council at any time, if it shall appear to the Governor in Council that he is incapable of performing the duties of his office or has been guilty of any misconduct or neglect which renders his removal expedient.

Deputy Municipal Commissioner.

Appointment of a Deputy Municipal Commissioner.

55. (*1*) Subject to confirmation by the Governor in Council, the corporation may at any time, and from time to time, appoint a person to be a

Deputy Municipal Commissioner, if it shall appear to it expedient so to do.

(*2*) Every person so appointed shall be subject to the same liabilities, restrictions and conditions to which the Commissioner is subject.

Functions of a Deputy Commissioner.

56. (*1*) A Deputy Commissioner so appointed shall be subordinate to the Commissioner and, subject to his orders, shall exercise such of the powers and perform such of the duties of the Commissioner as the Commissioner shall from time to time depute to him :

(*2*) Provided that—

(*a*) [*Repealed by Bom. I of 1897.*]

(*b*) The Commissioner shall inform the corporation of the powers and duties which he from time to time deputes to a Deputy Commissioner.

(*3*) All acts and things performed and done by a Deputy Commissioner, during his tenure of the said office and in virtue thereof, shall for all purposes be deemed to have been performed and done by the Commissioner.

Remuneration of Commissioner and Deputy Commissioner.

Salary of the Commissioner to be fixed by Government.

57. (*1*) The Commissioner shall receive such monthly salary, not exceeding rupees two thousand five hundred and not less than rupees two thousand as Government shall from time to time determine, in return wherefor he shall, except as hereinafter provided, devote his whole time and attention to the duties of his office as prescribed in this Act or in any other enactment for the time being in force :

Duties which may be undertaken by the Commissioner outside of this Act.

(*2*) Provided that he may at any time—

(*a*) hold the office of a trustee of the port of Bombay ;

(*b*) with the sanction of the corporation, serve on any committee constituted for the pur-

pose of any local inquiry or for the furtherance of any object of local importance or interest.

(3) Provided also that, with the approval of the corporation, the monthly salary of a Commissioner, who has held the appointment for a period of not less than three years, may be raised to a sum not exceeding three thousand rupees.

Remuneration of a Deputy Municipal Commissioner.

58. A Deputy Municipal Commissioner shall receive such monthly salary not exceeding rupees fifteen hundred and not less than rupees twelve hundred as the corporation shall from time to time determine.

Provisions for absence of Commissioner or Deputy Commissioner on leave.

Grant of leave of absence to the Commissioner or Deputy Commissioner.

59. (1) Leave of absence may be granted, from time to time—

(a) to the Commissioner by the Governor in Council, with the assent of the standing committee;

(b) to a Deputy Commissioner, by the corporation.

Allowance whilst absent on leave.

(2) The allowance to be paid to the Commissioner or to a Deputy Commissioner whilst so absent on leave shall be of such amount, not exceeding respectively the amount of the salary of the Commissioner or Deputy Commissioner as shall be fixed by the Governor in Council or the corporation, respectively: Provided that if the Commissioner or Deputy Commissioner is a Government officer, the amount of such allowance shall be regulated by the rules at the time in force relating to the leave allowances of officers of his class.

Appointment and remuneration of acting Commissioner or acting Deputy Commissioner.

(3) During any absence of the Commissioner or of a Deputy Commissioner the Governor in Council or the corporation may appoint a person to act as Commissioner or as Deputy Commissioner, as

the case may be. Every person so appointed shall exercise the powers and perform the duties conferred and imposed by this Act or by any other enactment at the time in force on the person for whom he is appointed to act, and shall be subject to the same liabilities, restrictions and conditions to which the said person is liable, and shall receive such monthly salary, within the limits prescribed in sections 57 and 58 for a Commissioner and a Deputy Commissioner, as Government or the corporation, respectively, shall determine.

Disqualifications of the Commissioner and Deputy Commissioner.

Commissioner and Deputy Commissioner not to be interested in any contract, &c., with the corporation.

60. (*1*) No person shall be qualified to be appointed or to be Commissioner or a Deputy Commissioner who has, directly or indirectly, by himself or his partner, any share or interest in any contract with, by or on behalf of the corporation or in any employment with, by or on behalf of the corporation other than as Commissioner or Deputy Commissioner, as the case may be.

(*2*) Any Commissioner or Deputy Commissioner who shall acquire, directly or indirectly, by himself or his partner, any share or interest in any such contract or employment as aforesaid shall cease to be Commissioner or a Deputy Commissioner, as the case may be, and his office shall become vacant.

(*3*) Nothing in this section shall apply to any such share or interest in any contract or employment with, by or on behalf of the corporation as, under clauses (*h*) and (*k*) of section 16, it is permissible for a councillor to have without his being thereby disqualified for being a councillor.

CHAPTER III.

DUTIES AND POWERS OF THE MUNICIPAL AUTHORITIES.

Obligatory and Discretionary Duties of the Corporation.

Matters to be provided for by the corporation.

61. It shall be incumbent on the corporation to make adequate provision, by any means or measures which it is lawfully competent to them to use or to take, for each of the following matters, namely:—

(*a*) the construction, maintenance and cleansing of drains and drainage works, and of public latrines, urinals and similar conveniences;

(*b*) the construction and maintenance of works and means for providing a supply of water for public and private purposes;

(*c*) scavenging and the removal and disposal of excrementitious and other filthy matter, and of all ashes, refuse and rubbish;

(*d*) the reclamation of unhealthy localities, the removal of noxious vegetation and generally the abatement of all nuisances;

(*e*) the regulation of places for the disposal of the dead and the provision of new places for the said purpose;

(*f*) the registration of births and deaths;

(*g*) measures for preventing and checking the spread of dangerous diseases;

(*h*) the construction and maintenance of public markets and slaughter-houses and the regulation of all markets and slaughter-houses;

(*j*) the regulation of offensive and dangerous trades;

(*k*) the entertainment of a fire-brigade and the protection of life and property in the case of fire;

(*l*) the securing or removal of dangerous buildings and places;

(*m*) the construction, maintenance, alteration and improvement of public streets, bridges, culverts, causeways and the like;

(*n*) the lighting, watering and cleansing of public streets;

(*o*) the removal of obstructions and projections in or upon streets, bridges and other public places;

(*p*) the naming of streets and the numbering of premises;

(*q*) maintaining, aiding and suitably accommodating schools for primary education;

(*r*) the maintenance of a municipal office and of all public monuments and other property vesting in the corporation.

Share of the expenses of the police of the city to be paid by the corporation.

62. The corporation shall also provide and pay to Government—

(*a*) such proportion of the annual expenses of the police of the city as Government shall from time to time determine; and

(*b*) the necessary contingent expenses, as determined from time to time by Government, incurred by the Police Commissioner in granting licenses under Bombay Act VI of 1863 (*an Act for the regulation of public conveyances in the town, suburbs and harbour of Bombay*) to public conveyances in the city.

Matters which may be provided for by the corporation at their discretion.

63. The corporation may, in their discretion, provide from time to time, either wholly or partly, for all or any of the following matters, namely:—

(*a*) public vaccination;

(*b*) educational objects other than those set forth in clause (*q*) of section 61;

(*c*) constructing, maintaining or aiding libraries, museums and art galleries;

(*d*) constructing or maintaining public parks and gardens and botanical and zoological collections;

(*e*) planting and maintaining trees on roadsides and elsewhere;

(*f*) surveys of buildings or lands;

(*g*) registration of marriages;

(*h*) taking of a census;

(*j*) preparation and presentation of addresses to persons of distinction;

(*k*) any measure not hereinbefore specifically named, likely to promote public safety, health, convenience or instruction.

And, with the previous sanction of Government, the corporation may make—

(*l*) such contribution as they think fit towards any public ceremony or entertainment in the city.

Respective Functions of the several Municipal Authorities.

Functions of the several municipal authorities.

64. (*1*) The respective functions of the several municipal authorities, and of any committee appointed under sections 39, 40 or 41, shall be such as are specifically prescribed in or under this Act.

Municipal government of the city vests in the corporation.

(*2*) Except as in this Act otherwise expressly provided, the municipal government of the city vests in the corporation.

(Chap. III.—Duties and Powers of the Municipal Authorities. Sec. 64.)

Special functions of the Commissioner.

(3) Subject, whenever it is in this Act expressly so directed, to the approval or sanction of the corporation or the standing committee and subject also to all other restrictions, limitations and conditions imposed by this Act, the entire executive power for the purpose of carrying out the provisions of this Act vests in the Commissioner, who shall also—

(*a*) perform all the duties and exercise all the powers specifically imposed or conferred upon him by this Act;

(*b*) prescribe the duties of, and exercise supervision and control over, the acts and proceedings of all municipal officers and servants, other than the municipal secretary and the municipal officers and servants immediately subordinate to him, and, subject to the regulations at the time being in force under section 81, dispose of all questions relating to the service of the said officers and servants and their pay, privileges and allowances;

(*c*) on the occurrence or the threatened occurrence of any sudden accident or unforeseen event, involving or likely to involve extensive damage to any property of the corporation or danger to human life, take such immediate action as the emergency shall appear to him to justify or to require, reporting forthwith to the standing committee and to the corporation, when he has done so, the action he has taken and his reasons for taking the same and the amount of cost, if any, incurred or likely to be incurred in consequence of such action, which is not covered by a current budget-grant, within the meaning of that expression as defined in section 130.

Corporation may call for extracts from proceedings, &c., from the standing committee, &c.

65. The corporation may at any time call for any extract from any proceedings of the standing committee or of any committee or sub-committee constituted under this Act, and for any return, statement, account or report concerning or connected with any matter with which the standing committee or any such committee or sub-committee is empowered by or under this Act to deal; and every such requisition shall be complied with by the standing committee or other committee or sub-committee, as the case may be, without unreasonable delay.

Corporation may require the Commissioner to produce documents and furnish returns, reports, &c.

66. (*1*) The corporation may at any time require the Commissioner—

(*a*) to produce any record, correspondence, plan or other document which is in his possession or under his control as Commissioner, or which is recorded or filed in his office or in the office of any municipal officer or servant subordinate to him;

(*b*) to furnish any return, plan, estimate, statement, account or statistics concerning or connected with any matter appertaining to the administration of this Act or the municipal government of the city;

(*c*) to furnish a report by himself or to obtain from any head of a department subordinate to him and furnish, with his own remarks thereon, a report, upon any subject concerning or connected with the administration of this Act or the municipal government of the city.

(*2*) Except as is hereinafter provided, every such requisition shall be complied with by the Commissioner without unreasonable delay; and it shall be incumbent on every municipal officer and servant to obey any order made by the Commissioner in pursuance of any such requisition:

(*3*) Provided that if, on such a requisition as aforesaid being made, the Commissioner shall declare that immediate compliance therewith would be prejudicial to the interests of the corporation or of the public, it shall be lawful for him to defer such compliance until a time not later than the second ordinary meeting of the corporation after he shall have declared as aforesaid. If at such meeting, or any meeting subsequent thereto, the corporation shall repeat the requisition, and it shall then still appear to the Commissioner inexpedient to comply therewith, he shall make a declaration to that effect, whereon it shall be lawful for the corporation to elect one councillor who with the president of the corporation and the chairman of the standing committee (or, if the president of the corporation is also chairman of the standing committee, with the said president and one member of their own body elected by the standing committee) shall form a committee who shall engage to keep secret, save as hereinafter provided, the existence and purport of such documents and matters as may be disclosed to them; and to the said committee the Commissioner shall be bound to make known and to disclose all writings and matters within his knowledge, under his control, or available to him, and embraced within the requisition; and the said committee having taken cognizance of the information, writings and matters so laid before them shall determine, by a majority in case of difference, whether or not the whole or any part, and which part, if any, of such matters ought to be disclosed to the corporation or kept secret for a defined time, which decision shall be conclusive and shall be reported to the corporation at the next ordinary meeting thereof, where also the Commissioner shall be prepared to produce documents and to make any report or statement requisite to give effect to the decision of

the committee when called on to do so by the corporation.

(*4*) The heads of departments subordinate to the Commissioner are the executive engineer, the executive health officer, the assessor and collector, and the chief accountant.

Exercise of powers to be subject to sanction by corporation of the necessary expenditure.

67. The exercise by any municipal authority of any power conferred or the performance of any duty imposed by or under this Act, which will involve expenditure, shall, except in any case specified in sub-section (*2*) of section 115, be subject to the following provisos, namely—

(*a*) that such expenditure, so far as it is to be incurred in the official year in which such power is exercised or duty performed, shall be provided for under a current budget-grant, within the meaning of that expression as defined in section 130; and

(*b*) that, if the exercise of such power or the performance of such duty involves or is likely to involve expenditure for any period or at any time after the close of the said official year, liability for such expenditure shall not be incurred without the sanction of the corporation.

Municipal officers may be empowered to exercise certain of the powers, &c., of the Commissioner.

68. (*1*) Any of the powers, duties or functions conferred or imposed upon or vested in the Commissioner by any of the sections, sub-sections or clauses mentioned in sub-section (*2*) may be exercised, performed or discharged, under the Commissioner's control and subject to his revision and to such conditions and limitations, if any, as he shall think fit to prescribe, by any municipal officer whom the Commissioner generally or specially empowers in writing in this behalf; and in each of the said sections, sub-sections and clauses the word "Commissioner" shall, to the extent to which any muni-

cipal officer is so empowered, be deemed to include such officer.

[a] (2) The sections, sub-sections and clauses of this Act referred to in sub-section (1) are the following, namely :—

Section 82.
" 83.
" 84.
" 85, sub-section (1).
" 112.
" 113, sub-section (3).
" 142, sub-section (2).
" 149.
" 152, sub-section (1).
" 153, sub-section (1).
" 155, sub-sections (1) and (3).
" 160.
" 162.
" 163, sub-section (1).
" 164.
" 165, sub-sections (1) and (2).
" 174.
" 175.
" 176.
" 177.
" 187.
" 188.
" 189.
" 200.
" 201, sub-section (2).
" 202, sub-section (1).
" 209, sub-section (1).
" 210, sub-section (1).
" 214, sub-sections (2) and (3).
" 222, sub-sections (1) and (2).
" 228.
" 229.
" 232A.
" 234.
" 240.
" 243, sub-section (2).

[a] Sub-section (2) of section 68 was substituted for the original sub-section by Bom. V of 1905, s. 6.

(Chap. III.—Duties and Powers of the Municipal Authorities. Sec. 68.)

Section 244.
" 246A.
" 247.
" 248.
" 249.
" 249A.
" 250, sub-section (*2*).
" 251.
" 251B.
" 252.
" 253.
" 254.
" 255.
" 257.
" 258, clauses (*a*), (*b*) and (*c*).
" 259.
" 259A.
" 263, sub-section (*1*).
" 265.
" 266.
" 272.
" 273.
" 273A.
" 276.
" 278.
" 279, sub-section (*1*).
" 287.
" 298, sub-sections (*1*) and (*2*)
" 300, sub-section (*1*).
" 311.
" 314.
" 317.
" 319.
" 321, sub-section (*2*).
" 322.
" 324.
" 325.
" 326, sub-sections (*2*) and (*5*).
" 329.
" 333, sub-section (*4*).
" 334, sub-section (*1*).
" 337, sub-section (*1*).
" 338.
" 339.
" 340.

(Chap. III.—Duties and Powers of the Municipal Authorities. Sec. 68.)

Section 342.
" 343.
" 344A.
" 345.
" 346, sub-section (*1*).
" 347, clause (*a*).
" 348, clauses (*a*), (*b*) and (*c*).
" 349.
" 349A.
" 350.
" 353.
" 353A.
" 354.
" 354A.
" 355.
" 368.
" 374.
" 375.
" 377.
" 379.
" 379A.
" 380.
" 383.
" 384, clause (*a*).
" 394.
" 396, sub-section (*1*).
" 403, clause (*e*).
" 409.
" 410, sub-section (*1*).
" 412, sub-sections (*1*) and (*2*).
" 413, sub-section (*1*).
" 415.
" 416.
" 422.
" 424, sub-section (*1*).
" 425, sub-section (*1*).
" 427, sub-section (*3*).
" 455.
" 479, sub-section (5).
" 488.
" 489.
" 492, clause (*a*).
" 517, clause (*a*).

Contracts.

Power to the Commissioner to execute contracts on behalf of the corporation.

69. With respect to the making of contracts under or for any purpose of this Act, the following provisions shall have effect, namely—

(*a*) every such contract shall be made on behalf of the corporation by the Commissioner;

(*b*) no such contract for any purpose which, in accordance with any provision of this Act, the Commissioner may not carry out without the approval or sanction of some other municipal authority, shall be made by him until or unless such approval or sanction has first of all been duly given;

(*c*) no contract, other than an agreement for the acquisition of immoveable property, which will involve an expenditure exceeding five thousand rupees, shall be made by the Commissioner unless the same is previously approved by the standing committee;

(*d*) every contract made by the Commissioner involving an expenditure exceeding five hundred and not exceeding five thousand rupees shall be reported by him, within fifteen days after the same has been made, to the standing committee;

(*e*) the foregoing provisions of this section shall apply, respectively, to every contract which the Commissioner shall have occasion to make in the execution of this Act; and the same provisions of this section which apply to an original contract shall be deemed to apply also to any variation or discharge of such contract.

Mode of executing contracts.

70. (*1*) Every contract entered into by the Commissioner on behalf of the corporation shall be

entered into in such manner and form as would bind the Commissioner if such contract were on his own behalf, and may in the like manner and form be varied or discharged: Provided that—

(*a*) where any such contract, if entered into by the Commissioner, would require to be under seal, the same shall be sealed with the common seal of the corporation; and

(*b*) every contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding five hundred rupees shall be in writing and shall be sealed with the common seal of the corporation and shall specify the work to be done or the materials or goods to be supplied, as the case may be, the price to be paid for such work, materials or goods, and, in the case of a contract for work, the time or times within which the same or specified portions thereof shall be completed.

(*2*) The common seal of the corporation, which shall remain in the custody of the municipal secretary, shall not be affixed to any contract, or other instrument, except in the presence of two members of the standing committee, who shall attach their signatures to the contract or instrument in token that the same was sealed in their presence. The signatures of the said members shall be distinct from the signatures of any witnesses to the execution of any such contract or instrument.

Contract not binding on the corporation unless executed as prescribed in section 70.

71. No contract not executed as in the last preceding section provided shall be binding on the corporation.

(Chap. III.—Duties and Powers of the Municipal Authorities. Secs. 72-73. Chap. IV.—Municipal Officers and Servants. Sec. 74.)

Tenders to be invited for contracts involving expenditure exceeding Rs. 3,000.

72. (*1*) Except as is hereinafter otherwise provided, the Commissioner shall, at least seven days before entering into any contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding three thousand rupees, give notice by advertisement in the local newspapers, inviting tenders for such contract.

(*2*) The Commissioner shall not be bound to accept any tender which may be made in pursuance of such notice, but may accept, subject to the provision of clause (*c*) of section 69, any of the tenders so made which appears to him, upon a view of all the circumstances, to be the most advantageous:

(*3*) Provided that the standing committee may authorize the Commissioner, for reasons which shall be recorded in their proceedings, to enter into a contract without inviting tenders as herein provided or without accepting any tender which he may receive after having invited them.

Security when to be taken for performance of contract.

73. The Commissioner shall require sufficient security for the due performance of every contract into which he enters under the last preceding section, and may, in his discretion, require security for the due performance of any other contract into which he enters under this Act.

CHAPTER IV.

MUNICIPAL OFFICERS AND SERVANTS.

Executive Engineer and Executive Health Officer.

Appointment of executive engineer and executive health officer.

74. (*1*) The corporation shall appoint fit persons to be municipal executive engineer and municipal executive health officer.

(Chap. IV.—Municipal Officers and Servants. Sec. 74.)

(2) Each of the said officers shall—

(*a*) be appointed for a renewable term of five years;

(*b*) devote his whole time and attention to the duties of his office;

[a] (*c*) receive such monthly salary as the corporation shall, subject to the following limitations, from time to time determine, that is to say, the monthly salary of the municipal executive engineer shall not exceed rupees [b] two thousand [b] and shall not be less than rupees twelve hundred and the monthly salary of the municipal executive health officer shall not exceed rupees two thousand and shall not be less than rupees fifteen hundred;

(*d*) be removeable at any time from office for misconduct or for neglect of, or incapacity for, the duties of the office, on the votes of not less than two-thirds of the members present at a meeting of the corporation:

(3) Provided that—

(*e*) no person shall be appointed to be executive health officer who is not a legally qualified medical practitioner;

(*f*) the corporation may, in their discretion, appoint a person probationally for a limited period only, to either of the said offices, previous to appointing him for the full term of five years;

(*g*) every appointment made under this section shall be subject to confirmation by the Governor in Council.

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[a] This clause was substituted for the original clause (*c*) by Bom. II of 1906, s. 1.

[b-b] These words were substituted for the original words by Bom. V of 1903, s. 1.

Time within which vacancy in office of executive engineer or executive health officer must be filled up.

75. (*1*) On the occurrence of a vacancy in the office of executive engineer or of executive health officer, an appointment shall be made thereto by the corporation within four months from the date on which the vacancy occurred, or in the event of any appointment so made by them not being confirmed by Government, within thirty days from the date of the receipt by the corporation of the order of Government.

(*2*) In default of an appointment being made by the corporation as aforesaid, the Governor in Council may appoint a person to fill the vacancy, and such appointment shall for all purposes be deemed to have been made by the corporation.

(*3*) Pending the settlement of an appointment under sub-section (*1*) or (*2*) the corporation may appoint a person to fill the vacancy temporarily and may direct that the person so appointed shall receive such monthly salary not exceeding[a] the maximum permissible under clause (*c*) of sub-section (*2*) of section 74, in respect of the officer in whose place such person is appointed[a] as it shall think fit. A person so appointed to be temporary executive health officer need not be a legally qualified medical practitioner.

Executive health officer to be the consulting officer of health under Bombay Act VI of 1867.

76. The executive health officer appointed under this Act shall be the consulting officer of health for the purposes of Bombay Act VI of 1867 (*an Act for the better sanitary regulation of the City of Bombay*).

Municipal Secretary.

Appointment of municipal secretary.

77. (*1*) The standing committee shall from time to time appoint a fit person to be municipal secretary.

[a-a] These words were substituted for the original words by Bom. II of 1900, s. 1.

(*2*) The municipal secretary shall be secretary of the corporation and also of the standing committee, and shall—

(*a*) perform such duties as he is directed by this Act to perform and such other duties in and with regard to the corporation and the standing committee as shall be required of him by those bodies respectively;

(*b*) have the custody of all papers and documents connected with the proceedings of—

(*i*) the corporation and any committee appointed by the corporation,

(*ii*) the standing committee and any sub-committee thereof;

(*c*) devote his whole time and attention to the duties of his office;

(*d*) receive a monthly salary of rupees seven hundred which, with the previous sanction of the corporation, may be increased to a sum not exceeding rupees one thousand, [a] and, after approved service of not less than seven years, to a sum not exceeding rupees twelve hundred; [a]

(*e*) be removeable at any time from office for misconduct or for neglect of, or incapacity for, the duties of the office by the standing committee, with the approval of the corporation.

78. (*1*) The standing committee may from time to time—

Appointment of clerks and servants subordinate to the municipal secretary.

(*a*) appoint such clerks and servants to be immediately subordinate to the municipal secretary as they think fit;

[a-a] These words were added by Bom. V of 1905, s. 7.

(*b*) determine the nature and amount of the salaries, fees and allowances to be paid to the said servants and clerks respectively;

(*c*) prescribe or delegate to the municipal secretary the power of prescribing the duties of the said clerks and servants.

Control, &c., of the said clerks and servants.

(*2*) The municipal secretary, subject to the orders of the standing committee, shall exercise supervision and control over the acts and proceedings of the said clerks and servants, and the standing committee, subject to the regulations at the time being in force under section 81, shall dispose of all questions relating to the service of the said clerks and servants and their pay, privileges and allowances.

Other Officers and Servants.

Schedule of other officers and servants to be prepared by the Commissioner and sanctioned by the standing committee.

79. (*1*) The Commissioner shall, [a] from time to time, prepare and bring before the standing committee a schedule setting forth the designations and grades of the other officers and servants who should, in his opinion, be maintained, and the amount and nature of the salaries, fees and allowances which, he proposes, should be paid to each.

(*2*) The standing committee shall sanction such schedule either as it stands or subject to such modifications as they deem expedient: Provided that no new office of which the aggregate emoluments exceed rupees two hundred per month shall be created without the sanction of the corporation.

Restriction of employment of permanent officers and servants.

80. No permanent officer or servant shall be entertained in any department of the municipal administration unless he has been appointed under sections 74, 77, or 78, or his office and emoluments are included in the schedule at the time in force prepared and sanctioned under the last preceding section.

[a] Words repealed by Act XVI of 1895 are omitted.

(Chap. IV.—Municipal Officers and Servants. Sec. 81.)

Leave of Absence, Acting Appointments, &c.

Standing committee to frame regulations for grant of leave, &c.

81. (*1*) The standing committee shall from time to time frame regulations in consonance with any resolution that may be passed by the corporation—

(*a*) fixing the amount and the nature of the security to be furnished by any municipal officer or servant from whom it may be deemed expedient to require security;

(*b*) regulating the grant of leave to municipal officers and servants;

(*c*) authorizing the payment of allowances to the said officers and servants, or to certain of them, whilst absent on leave;

(*d*) determining the remuneration to be paid to the persons appointed to act for any of the said officers or servants during their absence on leave;

(*e*) regulating the period of service of all the the said officers and servants;

(*f*) determining the conditions under which the said officers and servants, or any of them, shall on retirement or discharge receive pensions, gratuities or compassionate allowances, and under which the widows, or other relations dependent on any of the said officers and servants, shall, after their death, receive compassionate allowances, and the amounts of such pensions, gratuities or compassionate allowances;

(*g*) authorizing the payment of contributions, at certain prescribed rates and subject to certain prescribed conditions, to any pension or provident fund which may, with the approval of the standing committee, be established by the said officers and servants.

Such regulations to be subject to confirmation by the corporation, and, if made under clause (*f*), by Government.

(*2*) No regulation made by the standing committee under this section shall have force or validity, unless and until it has been confirmed by the corporation, nor, if it is made under clause (*f*), unless and until it has been confirmed by Government.

Power of appointment in whom to vest.

82. Except as is hereinbefore otherwise provided, the power of appointing municipal officers and servants shall, subject to the schedule at the time being in force prepared and sanctioned under section 79, vest in the Commissioner.

Power of suspending, punishing and dismissing in whom to vest.

83. (*1*) Every municipal officer and servant may be fined, reduced, suspended or dismissed for any breach of departmental rules or discipline or for carelessness, unfitness, neglect of duty or other misconduct, by the authority by whom such officer or servant is appointed:

(*2*) Provided that—

(*a*) no officer whose monthly emoluments exceed rupees three hundred shall be dismissed by the Commissioner, without the approval of the standing committee;

(*b*) any officer appointed by the corporation may be suspended by the standing committee pending an order of the corporation, such suspension and the reason therefor being forthwith reported to the corporation.

Leave of absence by whom to be granted.

84. (*1*) Leave of absence may be granted by the Commissioner, subject to the regulations at the time being in force under section 81, to any municipal officer or servant, the power of appointing whom is vested in him; and for a period not exceeding one month, to any other municipal officer, other than an officer immediately subordinate to the municipal secretary.

(*2*) Leave of absence may be granted, subject as aforesaid, by the standing committee—

(*a*) to any clerk or servant appointed under section 78;

(*b*) for a period not exceeding one month, to any other municipal officer, the power of appointing whom is not vested in the Commissioner.

Acting appointments.

85. (*1*) The appointment of a person to act in the place of an officer absent on leave may be made, when necessary, and subject to the regulations aforesaid, by the same authority who grants the leave of absence:

(*2*) Provided that—

(*a*) when the executive engineer or the executive health officer is granted leave of absence for a period exceeding one month, the appointment of a person to act for him shall be made by the corporation;

(*b*) any appointment of a person to act as executive engineer or as executive health officer may be disallowed by the Governor in Council, and from the time of being so disallowed shall be null and void;

(*c*) no person shall be appointed to act for the executive health officer for a period exceeding three months, unless such person is a legally qualified medical practitioner, but a person appointed to act for the said officer for a period not exceeding three months need not be a legally qualified medical practitioner.

(*3*) A person appointed under this section to act for any officer or servant shall, while so acting, perform the same duties and exercise the same powers and be subject to the same liabilities, restrictions

(*Chap. IV.—Municipal Officers and Servants. Sec. 86. Chap. V.—Municipal Property and Liabilities. Sec. 87.*)

and conditions which the permanent incumbent of the office or place is bound to perform or may exercise or to which the said incumbent is liable.

Disqualifications of Municipal Officers and Servants.

Municipal officer or servant not to be interested in any contract, &c., with the corporation.

86. (*1*) Any person who has, directly or indirectly, by himself or his partner, any share or interest in any contract with, by, or on behalf of the corporation, or in any employment with, by, or on behalf of the corporation, other than as a municipal officer or servant, shall be disqualified for being a municipal officer or servant.

(*2*) Any municipal officer or servant who shall acquire, directly or indirectly, by himself or his partner, any share or interest in any such contract or employment as aforesaid, shall cease to be a municipal officer or servant and his office shall become vacant.

(*3*) Nothing in this section shall apply to any such share or interest in any contract or employment with, by, or on behalf of the corporation as under clauses (*h*) and (*k*) of section 16 it is permissible for a councillor to have, without his being thereby disqualified for being a councillor.

CHAPTER V.

MUNICIPAL PROPERTY AND LIABILITIES.

Acquisition of Property.

Powers of corporation as to acquisition of property.

87. The corporation shall, for the purpose of this Act, have power to acquire and hold moveable and immoveable property, whether within or without the limits of the city.

(Chap. V.—Municipal Property and Liabilities. Secs. 88-90.)

Transfer to the corporation of the property of the municipal corporation.

88. All such immoveable and other property as is held by, or in trust for, or has been granted by Government to the corporation under, or in pursuance or for the purposes of any Act hereby repealed, shall, upon and after the date when this Act comes into force, vest in the corporation in trust for the purposes of this Act, but subject to all charges and liabilities affecting the same.

Conditions affecting the vesting of the Vehár water-works in the corporation.

89. (*1*) On the expiry of the term of ninety-nine years, commencing on the first day of July, 1863, for which, in accordance with section 64 of the Bombay Municipal Acts of 1872[a] and 1878[a], the Vehár lake and the property appurtenant thereto, hereinafter referred to as "the Vehár water-works," were vested in the corporation, the Governor in Council may direct that the said Vehár water-works shall vest, and the same shall in such case vest, in the corporation, on the conditions hereinafter provided and for the purposes of this Act, for such further period not exceeding ninety-nine years as shall seem expedient:

Bom. III of 1872. Bom. IV of 1878.

(*2*) Provided that on the expiry of the said first term of ninety-nine years, or of any further term for which the Governor in Council may have directed that the said Vehár water-works shall vest in the corporation, all rights and every power conveyed to the corporation shall forthwith cease and determine, and the said Vehár water-works shall revert to and become vested in Her Majesty [b] as the same were vested in Her Majesty [b] before the first day of July, 1863.

Acquisition of immoveable property by agreement.

90. (*1*) Whenever it is provided by this Act that the Commissioner may acquire, or whenever it is necessary or expedient for any purpose of this

[a] Bom. III of 1872 and IV of 1878 are repealed by s. 2 of this Act.

[b] The words "Her Majesty" were substituted for the original words by Bom. IV of 1888, s. 5 (*1*) (*a*).

Act that the Commissioner shall acquire, any immoveable property, such property may be acquired by the Commissioner on behalf of the corporation by agreement on such terms and at such rates or prices or at rates or prices not exceeding such maxima as shall be approved by the standing committee, either generally for any class of cases or specially in any particular case.

(*2*) And whenever, under any provision of this Act, the Commissioner is authorized to agree to pay the whole or any portion of the expenses of acquiring any immoveable property, he shall do so on such terms and at such rates or prices or at rates or prices not exceeding such maxima as shall be approved by the standing committee as aforesaid:

(*3*) Provided that no agreement for the acquisition of any immoveable property under sub-section (*1*) or (*2*) shall be valid, if the price to be paid for such property exceeds one thousand rupees unless and until such agreement has been approved by the corporation.

Procedure when immoveable property cannot be acquired by agreement.

91. (*1*) Whenever the Commissioner is unable to acquire any immoveable property under the last preceding section by agreement, Government may, in their discretion, upon the application of the Commissioner, made with the approval of the standing committee, order proceedings to be taken for acquiring the same on behalf of the corporation, as if such property were land needed for a public purpose within the meaning of the Land Acquisition Act, 1894.[a] I of 1894.

(*2*) The amount of compensation awarded and all other charges incurred in the acquisition of any such property shall, subject to all other provisions of this Act, be forthwith paid by the Commissioner and thereupon the said property shall vest in the corporation.

[a] The reference to Act X of 1870 is altered in accordance with Act I of 1894, s. 2.

(Chap. V.—Municipal Property and Liabilities. Sec. 92.)

Disposal of Property.

92. With respect to the disposal of property belonging to the corporation the following provisions shall have effect, namely— Provisions governing the disposal of municipal property.

(*a*) the Commissioner may, in his discretion, dispose of, by sale or otherwise, any moveable property belonging to the corporation not exceeding in value, in each instance, five hundred rupees, or grant a lease of any immoveable property belonging to the corporation, including any right of fishing or of gathering and taking fruit and the like, for any period not exceeding twelve months at a time: Provided that every such lease granted by the Commissioner shall be reported by him, within fifteen days after the same has been granted, to the standing committee;

(*b*) with the sanction of the standing committee, the Commissioner may dispose of, by sale or otherwise, any moveable property belonging to the corporation, of which the value does not exceed five thousand rupees, or grant a lease of any immoveable property belonging to the corporation, including any such right as aforesaid, for any period not exceeding three years at a time;

(*c*) with the sanction of the corporation, the Commissioner may lease, sell or otherwise convey any property, moveable or immoveable, belonging to the corporation;

(*d*) the sanction of the standing committee or of the corporation under clause (*b*) or clause (*c*) may be given either generally for any class of cases or specially in any particular case;

(*e*) the aforesaid provisions of this section shall apply, respectively, to every disposal of

property belonging to the corporation made under or for any purpose of this Act.

Liabilities.

Debts payable by the corporation.

93. So much of the following moneys as are still repayable on the day when this Act comes into force shall be repaid, together with the interest due thereupon, by the corporation, namely—

(*a*) to the Secretary of State for India in Council—

Vehár water-works debt.

(*i*) the balance of the debt due on account of the Vehár water-works [a]referred to[a] in section 140 of the Bombay Municipal Acts of 1872[b] and 1878,[b] with simple interest thereon at the rate of four per centum per annum; Bom. III of 1872. Bom. IV of 1878.

The consolidated loan.

(*ii*) the balance of the consolidated loan, as the same was defined in section 3, clause (*3*) of the Bombay Municipality's Consolidated Loan Act, 1880,[b] due on various accounts, with interest thereon at the rate of four-and-a-half per centum per annum; Bom. II of 1880.

(*b*) to municipal security-holders—

House-rate and market loans of 1867-68.

(*iii*) the house-rate loan and the two market loans raised in 1867 and 1868 under the provisions of the Bombay Municipal Act, 1865,[c] with interest thereon at the rate of six per centum per annum; Bom. II of 1865.

New drainage loan of 1878.

(*iv*) the drainage loan of 1878 raised under the provisions of the Public Works Loan Act, 1871,[d] with interest thereon XXIV of 1871.

[a-a] These words were substituted with effect from the 31st December 1892 for the original words by Bom. I of 1894, s. 2.

[b] Bom. III of 1872, IV of 1878 and II of 1880 are repealed by s. 2 of this Act.

[c] Bom. II of 1865 was repealed by Bom. III of 1872.

[ ] Act XXIV of 1871 was repealed by Act XI of 1879.

at the rate of five per centum per annum;

(*v*) the sanitary works' loans of 1885, 1886 and 1888 contracted under the provisions of the Local Authorities Loan Act, 1879, with interest thereon at the rate of five per centum per annum; Sanitary works' loans of 1885, 1886 and 1888.

XI of 1879.

(*vi*) the portion of the Tánsa water-works' loan contracted under the Act last aforesaid previous to the coming into force of this Act; Tánsa water-works' loan.

(*vii*) the portion of the drainage and water-works' loan of 1888 contracted under the said Act previous to the coming into force of this Act. Drainage and water-works' loan of 1888.

Repayment of moneys due to the Secretary of State in Council.

94. In order to secure the repayment of the Vehár water-works' debt, the Commissioner shall, on the first day of every month, until the whole of the said debt, together with the interest due thereon, shall be liquidated, pay to Government a sum of rupees [a]nine thousand four hundred and ninety-eight.[a] Vehár water-works' debt repayable in monthly instalments.

95. (*1*) The whole of the consolidated loan, together with the interest due thereon, shall be repaid within thirty years from the first day of January 1881. Period of repayment of consolidated loan.

(*2*) For better securing the repayment of the said loan, the Commissioner shall pay half-yearly to Government, on every first day of January and every first day of July, until the whole of the said loan, together with the interest due thereon, shall Mode of repayment.

[a-a] These words were substituted with effect from 31st December 1892 for the original words by Bom. I of 1894, s. 3.

be liquidated, a sum of one lákh seventy-eight thousand three hundred and twenty-six rupees two annas and five pies.

Payments to whom to be made.

96. (*1*) Every payment to be made by the Commissioner under either of the two last preceding sections shall be made [a]to the officer for the time being appointed to receive Government dues, or into the Bank of Bombay.[a]

Notice of payments to be published.

(*2*) Notice of every such payment having been made shall be forthwith published by the Commissioner in the *Bombay Government Gazette*.

In case of non-payment, report to be made to the Chief Secretary to Government.

97. If the Commissioner fails to make any of the said payments at the prescribed time, the Accountant-General shall, within seven days after the day on which such payment ought to have been made, report the fact to the Chief Secretary to Government or other officer acting in that capacity.

Arrears may be recovered by detention of moneys due to the corporation.

98. (*1*) It shall be lawful for the said Chief Secretary, or other officer acting in that capacity, when any of the said payments is in arrear, to direct any Government officer, not being a municipal authority or officer, to detain, to the extent of any payment or payments then in arrear, any moneys due or that may become due to the corporation, which he may then or thereafter have in his custody or control.

(*2*) Such officer shall detain the moneys which he is so directed to detain and pay the same, as they become due to the corporation, [a]to the officer for the time being appointed to receive Government dues, or into the Bank of Bombay.[a]

(*3*) The moneys so paid shall be applied in or towards satisfaction of the amount for the time being due in respect of the Vehár water-works' debt or of the consolidated loan, in preference to and with priority over all other incumbrances on and claims to such moneys.

[a-a] These words were substituted for the original words by Bom. I of 1894, s. 4 (*1*).

Or by attachment of the municipal fund, etc.

99. (*1*) If the amount in arrear cannot be recovered in the manner provided in the last preceding section, the Governor in Council may attach the municipal fund, or any tax leviable by the corporation.

(*2*) After such attachment, no person, except an officer appointed by the Governor in Council, shall in any way deal with the attached fund or tax; but such officer may do all acts in respect thereof which the corporation or any municipal authority might have done, if such attachment had not taken place, and may apply the proceeds in satisfaction of the amount in arrear and of all expenses involved by the attachment and subsequent proceedings:

Attachment not to defeat prior charges legally made.

(*3*) Provided that no such attachment shall defeat or prejudice any debt for which the fund or tax attached was previously pledged in accordance with law; but all such prior charges shall be paid out of the proceeds of the fund or tax attached before any part of the proceeds is applied to the satisfaction of a liability for the Vehár water-works' debt or the consolidated loan.

Reversion of Vehár water-works to Government in case of default in payment of any instalment of the debt due on their account.

100. If the Commissioner fails to make any monthly payment, in accordance with section 94, on account of the Vehár water-works' debt and after notice in writing, signed by one of the Secretaries to Government, requiring payment of the same has been served upon him and forwarded to the president of the corporation and published for a period of not less than two months in the *Bombay Government Gazette* shall still fail to make such payment, the said Vehár water-works shall, notwithstanding anything contained in section 88, cease to vest in the corporation and shall forthwith become vested in Her Majesty[a] in trust for the purposes for which the same were previously vested in the corporation.

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[a] The words "Her Majesty" were substituted for the original words by Bom. IV of 1888, s. 5 (*1*) (*a*).

Other rights and remedies of the Secretary of State for India in Council not to be affected.

101. Nothing in the four last preceding sections shall affect the rights or remedies which the Secretary of State for India in Council has or shall have independently of this Act for the recovery of the moneys aforesaid.

Method of appropriating payments on account of the Vehár water-works.

102. The annual sum of the monthly instalments paid by the Commissioner under section 94 and all recoveries made under any of the foregoing sections on account of the Vehár water-works' debt shall be appropriated as follows, namely—

first, to the payment of the interest accrued on account of the principal sum of rupees thirty-seven lákhs thirty thousand and fifty-three due on account of the said debt on the first day of July 1863;

secondly, to the payment of interest on all sums advanced by Government in connection with the said works since the first day of July 1863;

thirdly, to the payment of all sums subsequently advanced as aforesaid; and

lastly, to the liquidation of the said principal sum of rupees thirty-seven lákhs thirty thousand and fifty-three.

Method of appropriating payments on account of the consolidated loan.

103. Every payment made by the Commissioner under section 95 and all recoveries made under any of the foregoing sections on account of the consolidated loan shall be appropriated first to the payment of the interest due at the time of such payment or recovery and secondly to the reduction of the principal.

Repayment of House-rate and Market Loans of 1867-68.

Sinking-fund for house-rate and market loans to be maintained.

104. (*1*) Until such time as the corporation repay the house-rate loan and the two market loans raised in 1867 and 1868 under the provisions of section 253 to 258 of the Bombay Municipal Act,

Bom. II of 1865.

1865,[a] it shall be incumbent on the corporation to maintain out of the taxes, on the security of which the said loans were raised, the sinking-fund prescribed by section 257 of the said Act :

(*2*) Provided that in the event of the corporation's discharging any portion of the said loans at any time previous to the time at which they are repayable in full, it shall be competent to the corporation to reduce *pro tanto* the amount of the said sinking-fund.

Publication of Annual Account of Balances due on Loans.

Account of balances due on loans to be published by the Commissioner yearly.

105. (*1*) The Commissioner shall, in the month of January in each year, publish in the *Bombay Government Gazette* an account showing the balances due by the corporation on the last preceding thirty-first day of December to the Secretary of State for India in Council and to municipal security-holders, respectively, on account of each debt or loan, if any, at the time still repayable by the corporation.

(*2*) The Commissioner shall also cause the said account to be printed and a printed copy thereof to be forwarded to the usual or last known local place of abode of each councillor.

CHAPTER VI.

BORROWING POWERS.

Power to borrow from Government or other persons.

106. The corporation may from time to time borrow or re-borrow and take up at interest from the Secretary of State for India in Council, or, with the sanction of the Governor [b]General of India[b]

[a] Bom. II of 1865 was repealed by Bom. III of 1872.

[b-b] These words were inserted by Bom. IV of 1888, s. 2.

in Council, from any other person, any sum necessary for the purpose of defraying any costs, charges or expenses incurred or to be incurred by them in the execution of this Act, or for the purpose of discharging any loan contracted under this Act or any other loan or debt for repayment of which they are liable.

Provisions applicable to any new loan contracted with Government.

107. If any new loan shall be contracted by the corporation under this Act with the Secretary of State for India in Council, the same shall be subject, as regards repayment and security and in every other respect, to the same provisions as are hereinbefore contained in respect of the consolidated loan save only that the rate of interest, the period of repayment and the number and amount of the instalments shall, in the case of any such new loan, be fixed, under the orders of the Governor General of India in Council, by the Governor in Council.

Mortgage of taxes or immoveable property.

108. (*1*) The corporation may borrow or reborrow any such sum as aforesaid from any person other than the Secretary of State for India in Council, on the security of any immoveable property belonging to them or proposed to be acquired by them under this Act or of all the taxes or of any tax which they are authorized to levy for the purposes of this Act or of all or any of those securities.

(*2*) And for the purpose of securing the repayment of any sum so borrowed, with interest thereon, they may mortgage to the person by or on behalf of whom such sum is advanced any such immoveable property or tax.

Provisions as to exercise of borrowing powers.

109. The exercise of the powers of borrowing conferred by this Act shall be subject to the following provisions, namely—

(*a*) money shall not be borrowed for the execution of any work other than a permanent work, including under this expression any

work of which the cost ought, in the opinion of Government, to be spread over a term of years;

(*b*) the sum borrowed shall not at any time exceed, with the balances of all the outstanding loans and debts due by the corporation, in the whole, double the rateable value of the premises in the city assessable, as hereinafter provided, to property taxes;

(*c*) the money may be borrowed for such time, not exceeding sixty years, as the corporation, with the sanction of [a]the Governor General of India in Council,[a] determine in each case;

(*d*) the corporation shall either pay off the money so borrowed by equal annual instalments of principal, or of principal and interest, or they shall in every year set apart as a sinking-fund and accumulate in the way of compound interest, by investing the same in the purchase of public securities, such sum as will, with accumulations in the way of compound interest, be sufficient, after payment of all expenses, to pay off the moneys so borrowed within the period sanctioned;

(*e*) the corporation may at any time apply the whole or any part of a sinking-fund set apart under this section in or towards the discharge of the moneys for the repayment of which the fund has been established: Provided that they pay into the fund each time that interest would have been received by the corporation in respect of the sinking-fund or the part of the sinking-fund so applied, and accumulate, until the whole of the moneys borrowed are

[a-a] These words were substituted for the original word by Bom. IV of 1883, s. 3.

discharged, a sum equivalent to the interest which would have been so received;

(*f*) the investment every year of any sum set apart as portion of the principal of a sinking-fund shall be made within fifteen days after the day on which the second half-yearly payment of interest is due by the corporation in respect of the loan for repayment of which such sinking-fund is established; and the re-investment of any sum received by the corporation on account of interest on moneys appertaining to a sinking-fund already invested, and the investment of any sum payable into the fund under clause (*e*) as the equivalent of interest which the corporation would have received, if the sinking-fund or a part thereof had not been applied in any manner authorized by the said clause, shall be made within one month from the day on which such interest is received or from the day on which such interest would have been received, as the case may be.

(*g*) where money is borrowed for the purpose of discharging a previous loan, the time for repayment of the money so borrowed shall not, unless with the sanction of Government, extend beyond the unexpired portion of the period for which the original loan was sanctioned and shall in no case be extended beyond the period of sixty years from the date of the original loan.

Form of security.

110. (*1*) Every mortgage authorized to be made under this chapter shall be by debenture in the form contained in Schedule C, or in such other form as the corporation, with the consent of Government, shall from time to time determine.

(*2*) Every debenture issued under this Act shall be transferable by endorsement, and such transfers

may be in the form of Schedule D, or to the like effect.

(*3*) The right to payment of the moneys secured by any of such debentures and to sue in respect thereof shall vest in the holder thereof for the time being, without any preference by reason of some of such debentures being prior in date to others.

CHAPTER VII.

REVENUE AND EXPENDITURE.

The Municipal Fund.

Constitution of the municipal fund.

111. All moneys received by or on behalf of the corporation under the provisions of this Act or of any other enactment at the time in force, or under any contract,

all proceeds of the disposal of property by, or on behalf of, the corporation,

all rents accruing from any property of the corporation,

all moneys raised by any tax, levied for the purposes of this Act,

all fees and fines payable and levied under this Act or under any rule, regulation or by-law in force thereunder,

all fees for licenses for public conveyances granted by the Police Commissioner under Bombay Act VI of 1863 (*an Act for the regulation of public conveyances in the town, suburbs and harbour of Bombay*),

all fines levied by any Magistrate in respect of any offence against the provisions of this Act, or of any regulation or by-law made under this Act,

all moneys received by or on behalf of the corporation from Government or private individuals by way of grant or gift or deposit, and

all interest and profits arising from any investment of, or from any transaction in connection with, any money belonging to the corporation,

shall be credited to a fund, which shall be called "the municipal fund," and which shall be held by the corporation in trust for the purposes of this Act, subject to the provisions herein contained.

Commissioner to receive payments on account of the municipal fund and to lodge them in a bank.

112. All moneys payable to the credit of the municipal fund shall be received by the Commissioner and shall be forthwith paid [a]into the Bank of Bombay[a] to the credit of an account, which shall be styled "the account of the municipal fund of the City of Bombay."

How the fund shall be drawn against.

113. (*1*) Subject to the provisions of section 520, no payment shall be made by the bank aforesaid out of the municipal fund, except upon a cheque signed by the Commissioner and by one member of the standing committee, who shall attend at the chief municipal office for this purpose at least twice a week, and by the municipal secretary, or in the event of the illness or occasional absence of the Commissioner from the city, by two members of the standing committee and by the said secretary.

(*2*) Payment of any sum due by the corporation in excess of one hundred rupees shall be made by means of a cheque signed as aforesaid and not in any other way.

(*3*) Payment of any sum due by the corporation, not exceeding one hundred rupees in amount, may be made by the Commissioner in cash, cheques for sums not in excess of one thousand rupees each, signed as aforesaid, being drawn from time to time to cover such payments.

[a-a] These words were substituted for the original words by Bom. I of 1894, s. 4 (2).

(Chap. VII.—Revenue and Expenditure. Secs. 114-115.)

Deposit of portion of municipal fund may be made with bank or agency out of Bombay, when convenient.

114. Notwithstanding anything contained in the two last preceding sections, the Commissioner may, with the approval of the standing committee, from time to time, remit any portion of the municipal fund to a bank or other agency at any place beyond the city at which it may be desirable for the corporation to have funds in deposit, and any money payable to the credit of the municipal fund or chargeable thereagainst, which can, in the opinion of the Commissioner, be most conveniently paid into or out of the account of the corporation at any such bank or agency, may be so paid.

Only sums covered by a budget-grant to be expended from the municipal fund.

115. (*1*) Except as hereinafter provided, no payment of any sum shall be made by the Commissioner out of the municipal fund, unless the expenditure of the same is covered by a current budget-grant, and a sufficient balance of such budget-grant is still available, notwithstanding any reduction or transfer thereof which may have been made under section 133 or section 134:

Exceptions.

(*2*) Provided that the following items shall be excepted from this prohibition, namely:—

(*a*) sums of which the expenditure has been sanctioned by the standing committee under section 132;

(*b*) temporary payments under section 119 for works urgently required in the public service;

(*c*) refunds of taxes and other moneys which the Commissioner is by or under this Act authorised to make;

(*d*) repayments of moneys belonging to contractors or other persons held in deposit and of moneys collected or credited to the municipal fund by mistake;

(*e*) sums which the Commissioner is by sections 222, sub-section (*3*), 309, sub-section

(*2*), 315, sub-section (*2*), 334, sub-section (*2*), 395, sub-section (*2*), 426, sub-section (*2*), 427, sub-section (*4*), 501 and 515, clause (*b*), required or empowered to pay by way of compensation ;

(*f*) sums payable in any of the circumstances mentioned in clause (*f*) of section 118 ;

(*g*) expenses incurred by the Commissioner in the exercise of the powers conferred upon him by section 434 ;

(*h*) costs incurred by the Commissioner under clause (*c*) of section 64.

(*3*) In sub-section (*1*), "budget-grant" means a budget-grant within the meaning of that term as defined in section 130 and includes any sum by which such budget-grant may at any time be increased by a transfer under clause (*b*) of section 133.

Drafts on the municipal fund to be checked by members of the standing committee and municipal secretary.

116. The members of the standing committee and the municipal secretary shall not sign any cheque under section 113 without first satisfying themselves that the sum for which such cheque is drawn is either covered by a budget-grant as aforesaid or is an item of one of the excepted descriptions specified in sub-section (*2*) of the last preceding section.

Procedure when money not covered by a budget-grant is expended under clause (*e*), (*f*), (*g*) or (*h*) of section 115.

117. Whenever any sum is expended by the Commissioner under clause (*e*), (*f*), (*g*) or (*h*) of section 115, he shall forthwith communicate the circumstances to the standing committee, who shall take such action under section 133 or recommend the corporation to take, under section 131, such action as shall, in the circumstances, appear possible and expedient for covering the amount of the additional expenditure.

Purposes to which the municipal fund is to be applied.

118. The moneys from time to time credited to the municipal fund shall be applied in payment of all sums, charges and costs necessary for the pur-

poses specified in sections 61, 62 and 63, or for otherwise carrying this Act into effect, or of which the payment shall be duly directed or sanctioned under any of the provisions of this Act, inclusive of—

(*a*) the expenses of every ward-election and of every justices' election held under this Act;

(*b*) the fees payable under section 50 to members of the standing committee;

(*c*) the salaries, [a] joining time allowances [a] and other allowances of the Commissioner and of any Deputy Commissioner appointed under this Act [b] and of any officer whose services may, at the request of the corporation, be placed by Government at their disposal; [b]

(*d*) the salaries and other allowances of all municipal officers and servants, and all pensions, gratuities and compassionate allowances payable under the provisions of this Act or of any schedule or regulations framed under this Act and at the time in force;

(*e*) all expenses and costs incurred by the Commissioner in the exercise of any power or the discharge of any duty conferred or imposed upon him by this Act, including moneys which he is required or empowered to pay by way of compensation;

(*f*) every sum payable—

(*i*) under sub-section (*1*) of section 520 to Government;

(*ii*) under a decree or order of a civil or criminal court passed against the cor-

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[a-a] These words were inserted by Bom. V of 1905, s. 8 (*a*).

[b-b] These words were added by Bom. V of 1905, s. 8 (*b*).

poration or against the Commissioner or a Deputy Commissioner *ex-officio*;

(*iii*) under a compromise of any suit or other legal proceeding or claim effected under section 517.

Temporary payments from the municipal fund for works urgently required for public service.

119. (*1*) On the written requisition of a Secretary to Government, the Commissioner may at any time undertake the execution of any work certified by such Secretary to be urgently required in the public service, and for this purpose may temporarily make payments from the municipal fund, so far as the same can be made without unduly interfering with the regular working of the municipal administration. The cost of all work so executed and of the establishment engaged in executing the same shall be paid by Government and credited to the municipal fund.

(*2*) On receipt of any requisition under sub-section (*1*), the Commissioner shall forthwith forward a copy thereof to the corporation, together with a report of the steps taken by him in pursuance of the same.

The School-fund.

The school-fund of what to consist.

120. (*1*) The portion of the municipal fund to be devoted to the purposes specified in clause (*q*) of section 61 shall be credited under a separate heading in the municipal accounts and shall be called "the school-fund."

(*2*) There shall be carried every official year to the school-fund:

(*a*) every grant made by Government for the maintenance or aid of primary education;

(*b*) the fees levied in schools wholly maintained at the cost of the school-fund;

(*c*) such contribution from the general revenue of the corporation as the corporation shall

from time to time determine, the same being not less, in each official year, than a sum of such amount as added to the fees levied as aforesaid in the same year would be equal to double the Government grant for that year;

(*d*) the unexpended balance, if any, of the school-fund of the last preceding official year;

(*e*) all sums made over to the corporation, by way of endowment or otherwise, for the promotion of primary education.

[a] (*3*) Nothing in clause (*c*) of sub-section (*2*) shall be deemed to apply to Government grants in aid of erecting, purchasing, enlarging or rebuilding school buildings.

Other Special Funds.

Other special funds may be created with the approval of the corporation.

121. With the approval of the corporation, any other portion of the municipal fund may also, from time to time, be credited to a separate heading in the municipal accounts, provided that there shall be credited and debited to such special heading such sums only as shall expressly relate to the object for which a special fund is so created.

Disposal of Balances.

Investment of surplus moneys.

[b] **122.** (*1*) Surplus moneys at the credit of the municipal fund which cannot immediately or at an early date be applied to the purposes of this Act or of any loan raised thereunder may be, from time to time, deposited at interest in the Bank of Bombay or be invested in public securities.

(*2*) All such surplus moneys which it is necessary to keep readily available for application to such purposes, and all such surplus moneys which can-

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[a] This sub-section was added by Bom. V of 1905, s. 9.

[b] This section was substituted for the original s. 122 by Bom. I of 1894, s. 5.

not, in the opinion of the Municipal Commissioner, concurred in by the standing committee, be favourably deposited or invested as aforesaid, may be deposited at interest at any bank or banks in the City of Bombay which the standing committee may, subject to the control of the corporation, from time to time, select for the purpose.

(*3*) All such deposits and investments shall be made by the Commissioner on behalf of the corporation, with the sanction of the standing committee, and, with the like sanction, the Commissioner may at any time withdraw any deposit so made or dispose of any securities and re-deposit or re-invest the money so withdrawn, or the proceeds of the disposal of such securities: but no order for making any deposit or investment, withdrawal or disposal under this section shall have any validity unless the same be in writing, signed by the Commissioner and one member of the standing committee and the municipal secretary.

(*4*) The loss, if any, arising from any such deposit or investment shall be debited to the municipal fund.

Accounts.

Accounts to be kept in forms prescribed by standing committee.

123. Accounts of the receipts and expenditure of the corporation shall be kept in such manner and in such forms as the standing committee shall from time to time prescribe.

Preparation of annual administration report and statement of accounts.

124. (*1*) The Commissioner shall, as soon as may be after each first day of April, have prepared a detailed report of the municipal administration of the city during the previous official year, together with a statement showing the amounts of the receipts and disbursements respectively credited and debited to the municipal fund during the said year and the balance at the credit of the fund at the close of the said year.

(2) The Commissioner shall incorporate with his said report and statement—

(a) a report for the same period from each head of a department subordinate to him;

(b) the account of balances due on loans then last published under section 105;

and shall cause the same to be printed.

(3) After examination and review of the said printed report and statement by the standing committee, there shall be added to the compilation printed copies of such of the appendices attached to the reports of the several heads of departments, if any, as the standing committee direct and a printed copy of the standing committee's review; and a copy of the complete compilation shall be forwarded to the usual or last known local place of abode of each councillor at least eight days previous to the ordinary meeting of the corporation in the next following month of October, and copies thereof shall be delivered to any person requiring the same, on payment of such reasonable fee for each copy as the Commissioner, with the approval of the standing committee, shall determine.

Annual Budget Estimate.

Estimates of expenditure and income to be prepared annually by the Commissioner.

125. The Commissioner shall, on or before each tenth day of November, have prepared and lay before the standing committee, in such form as the said committee shall from time to time approve—

(a) an estimate of the expenditure which must or should, in his opinion, be incurred by the corporation in the next ensuing official year;

(b) an estimate of all balances, if any, which will be available for re-appropriation or expenditure at the commencement of the next ensuing official year;

(*c*) a statement of proposals as to the taxation which it will, in his opinion, be necessary or expedient to impose under the provisions of this Act in the said year.

Budget-estimate to be prepared by the standing committee.

126. (*1*) The standing committee shall, on or as soon as may be after the tenth day of November, consider the estimates and proposals of the Commissioner and, after having obtained from the Commissioner such further detailed information, if any, as they shall think fit to require, and having regard to all the requirements of this Act, shall frame therefrom, subject to such modifications and additions therein or thereto as they shall think fit, a budget-estimate of the income and expenditure of the corporation for the next official year.

(*2*) In such budget-estimate, the standing committee shall—

(*a*) propose, with reference to the provisions of Chapter VIII, the levy of municipal taxes at such rates and, in the case of town-duties, on such articles, as they shall think fit;

(*b*) provide for the payment, as they fall due, of all instalments of principal and interest for which the corporation may be liable under the provisions of Chapter V, or on account of any loan contracted after the passing of this Act, under Chapter VI;

(*c*) allow for a cash balance at the end of the said year of not less than one lakh of rupees.

(*3*) The Commissioner shall cause the budget-estimate, as finally appoved by the standing committee, to be printed and shall, not later than the fifteenth day of December, forward a printed copy thereof to the usual or last known local place of abode of each councillor.

(Chap. VII.—Revenue and Expenditure. Secs. 127—131.)

Consideration of budget-estimate by corporation.

127. At a meeting of the corporation which shall be called for some day in January, not later than the tenth, the budget-estimate prepared by the standing committee shall be laid before the corporation, and they shall proceed to consider the same.

Fixing of rates of taxes.

128. (*1*) The corporation shall, on or before the thirty-first day of January, after considering the standing committee's proposals in this behalf, determine, subject to the limitations and conditions prescribed in Chapter VIII, the rates at which municipal taxes shall be levied and the articles on which town-duties shall be levied in the next ensuing official year.

(*2*) Except under sections 134 and 196, the rates so fixed and the articles so appointed shall not be subsequently altered for the year for which they have been fixed.

Final adoption of budget-estimate.

129. Subject to the exigency of sub-section (*1*) of the last preceding section, the corporation may refer the budget-estimate back to the standing committee for further consideration, or adopt the budget-estimate or any revised budget-estimate submitted to them, either as it stands or subject to such alteration as they deem expedient: Provided that the budget-estimate finally adopted by the corporation shall fully provide for each of the matters specified in clauses (*b*) and (*c*) of section 126.

"Budget-grant" defined.

130. Any sum entered on the expenditure side of a budget-estimate which has been adopted by the corporation shall be termed a "budget-grant."

Corporation may increase amount of budget-grants and make additional grants.

131. (*1*) On the recommendation of the standing committee, the corporation may from time to time during an official year increase the amount of any budget-grant, or make an additional budget-grant for the purpose of meeting any special or unforeseen requirement arising during the said year,

but not so that the estimated cash balance at the close of the year shall be reduced below one lakh of rupees.

(*2*) Such increased or additional budget-grants shall be deemed to be included in the budget-estimate adopted by the corporation for the year in which they are made.

Rule as to unexpended budget-grants.

132. If any portion of a budget-grant remains unexpended at the close of the year in the budget-estimate for which such grant was included, and if the amount thereof has not been taken into account in the opening balance of the municipal fund entered in the budget-estimate of the next following year, the standing committee may sanction the expenditure of such unexpended portion during the next following year for the completion, according to the original intention or sanction, of the purpose or object for which the budget-grant was made, but not upon any other purpose or object.

Reduction or transfer of budget-grants.

133. (*1*) The standing committee may, if they think necessary, at any time during an official year—

(*a*) reduce the amount of a budget-grant ; or

(*b*) transfer and add the amount, or a portion of the amount, of one budget-grant to the amount of any other budget-grant in the budget-estimate :

Provided that—

(*c*) due regard be had when making any such reduction or transfer to all the requirements of this Act;

(*d*) the aggregate sum of the budget-grants contained in the budget-estimate adopted by the corporation shall not be increased, except by the corporation under section 131;

(*e*) every such reduction or transfer shall be brought to the notice of the corporation at their next meeting.

(*2*) If any such reduction or transfer is of an amount exceeding five hundred rupees, the corporation may pass with regard thereto such order as they think fit, and it shall be incumbent on the standing committee and the Commissioner to give effect to the said order.

Re-adjustment of income and expenditure to be made by the corporation during the course of the official year whenever necessary.

134. (*1*) If it shall at any time during any official year appear to the corporation, upon the representation of the standing committee, that notwithstanding any reduction of budget-grants that may have been made by the standing committee under the last preceding section, the income of the municipal fund during the said year will not suffice to meet the expenditure sanctioned in the budget-estimate of the said year and to leave at the close of the year a cash balance of not less than one lakh of rupees, it shall be incumbent on the corporation to forthwith sanction any measure which shall be necessary for proportioning the year's income to the expenditure.

(*2*) For this purpose, the corporation may either diminish the sanctioned expenditure of the year, so far as it may be possible so to do with due regard to all the requirements of this Act, or have recourse to supplementary taxation.

Scrutiny and Audit of Accounts.

Weekly scrutiny of accounts by standing committee.

135. (*1*) The standing committee shall conduct, or cause to be conducted under their superintendence, a weekly scrutiny of the municipal accounts and publish weekly an abstract of the receipts and expenditure of the week last preceding, signed by not less than two members of the said committee and by the municipal secretary.

(*2*) For this purpose, the standing committee shall have access to all the municipal accounts and to all records and correspondence relating thereto, and the Commissioner shall forthwith furnish to the standing committee any explanation concerning receipts and disbursements which they may call for.

Appointment of municipal auditors.

136. (*1*) The municipal accounts shall also be examined and audited from week to week by auditors specially appointed in this behalf for each official year by the corporation.

(*2*) The auditors so appointed may—

(*a*) by summons in writing, require the production before them of any book, deed, contract, account, voucher or other document or paper necessary for the proper conduct of their audit;

(*b*) by summons in writing, require any person having the custody or control of, or accountable for, any such book, deed, contract, account, voucher or other document or paper to appear in person before them;

(*c*) require any person so appearing before them to make and sign a declaration with respect to such book, deed, contract, account, voucher or other document or paper.

(*3*) The auditors so appointed shall receive such reasonable remuneration, not exceeding in the whole ten thousand rupees per annum, as the corporation shall from time to time determine.

Information and report to be furnished by auditors.

137. (*1*) The auditors so appointed shall forthwith report to the standing committee any material impropriety or irregularity which they may at any time observe in the expenditure or in the recovery of moneys due to the corporation or in the municipal

accounts, and shall furnish to the standing committee such information as the said committee shall from time to time require concerning the progress of their audit, and shall, as soon as may be after the commencement of each official year, deliver to the standing committee a report upon the whole of the municipal accounts for the previous official year.

(*2*) The Commissioner shall cause the said report to be printed and forward a printed copy thereof along with the printed copy of the administration report and statement of accounts which he is required by sub-section (*3*) of section 124 to forward to each councillor.

A special audit may be directed by the Governor in Council.

138. (*1*) The Governor in Council may at any time appoint an auditor for the purpose of making a special audit of the municipal accounts and of reporting thereon to Government: and [a] the costs of any such audit [b] as determined by the Governor in Council shall [b] be chargeable to the municipal fund.

(*2*) An auditor so appointed may exercise any power which an auditor appointed by the corporation may exercise.

CHAPTER VIII.

MUNICIPAL TAXATION.

Municipal Taxes defined.

Taxes to be imposed under this Act.

139. For the purposes of this Act, taxation shall be imposed as follows, namely :—

(1) property-taxes;

(2) a tax on vehicles and animals;

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[a] "And" was substituted for the original words by Bom. IV of 1888, s. 4.

[b—b] These words were substituted for the original words by Bom. IV of 1888, s. 4.

(3) a toll on vehicles entering the city from Salsette; and

(4) town-duties.

PROPERTY-TAXES.

Property-taxes leviable.

Property taxes of what to consist, and at what rates leviable.

140. The following taxes shall be levied on buildings and lands in the city, and shall be called "property-taxes," namely—

Water-tax.

(*a*) a water-tax of so many per centum of their rateable value as the corporation shall deem reasonable with reference to the expenses of providing a water-supply for the city;

Halálkhor-tax.

(*b*) a halálkhor-tax of so many per centum, not exceeding three, of their rateable value as will, in the opinion of the corporation, suffice to provide for the collection, removal and disposal, by municipal agency, of all excrementitious and polluted matter from privies, urinals and cesspools and for efficiently maintaining and repairing the municipal drains constructed or used for the reception or conveyance of such matter, subject, however, to the provisos that the minimum amount of such tax to be levied in respect of any one separate holding of land, or of any one building or of any one portion of a building which is let as a separate holding, shall be four annas per month, and that the amount of such tax to be levied in respect of any hotel, club or other large premises may be specially fixed under section 172;

(*c*) a general tax of not less than eight and not more than twelve per centum of their rateable value, together with not less than one-eighth and not more than three-quarters per centum of their rateable value added thereto in order to provide for the expense necessary for fulfilling the duties of the corporation arising under clause (*k*) of section 61 and Chapter XIV. General tax.

141. Subject to the provisions of section 169, the water-tax shall be levied only in respect of premises— Water-tax on what premises to be levied.

(*a*) to which a private water-supply is furnished from, or which are connected by means of communication-pipes with, any municipal water-work; or

(*b*) which are situated in a portion of the city in which the Commissioner has given public notice that sufficient water is available from municipal water-works for furnishing a reasonable supply to all the premises in the said portion.

142. (*1*) The halálkhor-tax shall be levied only in respect of premises— Halálkhor-tax on what premises to be levied.

(*a*) situated in any portion of the city in which public notice has been given by the Commissioner that the collection, removal and disposal of all excrementitious and polluted matter from privies, urinals and cesspools will be undertaken by municipal agency; or

(*b*) in which, wherever situate, there is a privy, water-closet, cesspool, urinal, bathing-place or cooking-place connected by a drain with a municipal drain:

(*2*) Provided that the said tax shall not be levied in respect of any premises situated in any portion of the city specified in clause (*a*), in or upon which, in the opinion of the Commissioner, no such matter as aforesaid accumulates or is deposited.

(*3*) If the Commissioner directs, under sub-section (*2*) of section 248, that a separate water-closet, privy or urinal need not be required for any premises, the halálkhor-tax shall nevertheless be levied in respect of the said premises, if, but for such direction, the same would be leviable in respect thereof.

General tax on what premises to be levied.

143. (*1*) The general tax shall be levied in respect of all buildings and lands in the city, except—

(*a*) buildings exclusively occupied for public worship or for charitable purposes;

(*b*) buildings and lands vesting in Her Majesty[a] or in the corporation, in respect of which the said tax, if levied, would under the provisions hereinafter contained be primarily leviable from the Secretary of State for India in Council or the corporation, respectively.

(*2*) The following buildings shall not be deemed to be buildings exclusively occupied for public worship or for charitable purposes within the meaning of clause (*a*), namely—

(*c*) buildings in which any trade or business is carried on; and

(*d*) buildings in respect of which rent is derived, whether such rent is or is not applied exclusively to religious or charitable purposes.

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[a] The words "Her Majesty" were substituted for the original words by Bom. IV of 1888, s. 5.

Payment to be made to the corporation in lieu of the general tax by the Secretary of State for India in Council.

144. (*1*) The Secretary of State for India in Council shall pay to the corporation annually, in lieu of the general tax from which buildings and lands vesting in Her Majesty [a] are exempted by clause (*b*) of section 143, a sum ascertained in the manner provided in sub-sections (*2*) and (*3*).

(*2*) The rateable value of the buildings and lands in the city vesting in Her Majesty[a] and beneficially occupied, in respect of which, but for the said exemption, general tax would be leviable from the Secretary of State for India in Council, shall be fixed by a person from time to time appointed in this behalf by the Governor in Council, with the concurrence of the corporation. The said value shall be fixed by the said person, with a general regard to the provisions hereinafter contained concerning the valuation of property assessable to property-taxes, at such amount as he shall deem to be fair and reasonable. The decision of the person so appointed shall hold good for a term of five years, subject only to proportionate variation, if in the meantime the number or extent of the buildings and lands vesting in Her Majesty[a] in the city materially increases or decreases.

(*3*) The sum to be paid annually to the corporation by the Secretary of State for India in Council shall be eight-tenths of the amount which would be payable by an ordinary owner of buildings or lands in the city, on account of the general tax, on a rateable value of the same amount as that fixed under sub-section (*2*).

Amendment of section 36, Bombay Act VI of 1879.

[b] **145.** For section 36 of the Bombay Port Trust Act, 1879, the following section shall be substituted, namely—

Bom. VI of 1879.

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[a] The words "Her Majesty" were substituted for the original words by Bom. IV of 1888, s. 5.

[b] *Vide* also Bom. II of 1901, s. 2.

(See the revised edition of this Act, as modified up to 1st August 1900, issued by the Legislative Department.)

Liability for Property-taxes.

Primary responsibility for property-taxes on whom to rest.

146. (*1*) Property-taxes shall be leviable primarily from the actual occupier of the premises upon which the said taxes are assessed, if such occupier holds the said premises immediately from Government or from the corporation or from a fazendár.

(*2*) Otherwise the said taxes shall be primarily leviable as follows, namely—

(*a*) if the premises are let, from the lessor;

(*b*) if the premises are sub-let, from the superior lessor;

(*c*) if the premises are unlet, from the person in whom the right to let the same vests.

(*3*) But if any land has been let for any term exceeding one year to a tenant, and such tenant has built upon the land, the property-taxes assessed upon the said land and upon the building erected thereon shall be primarily leviable from the said tenant or his legal representative, whether the premises be in the occupation of the said tenant or of his legal representative, or of a sub-tenant.

Apportionment of responsibility for property-tax when the premises assessed are let or sub-let.

147. (*1*) If any premises assessed to any property-tax are let, and their rateable value exceeds the amount of rent payable in respect thereof to the person from whom, under the provisions of the last preceding section, the said tax is leviable, the said person shall be entitled to receive from his tenant the difference between the amount of the property-tax levied from him and the amount which would be leviable from him if the said tax were calculated on the amount of rent payable to him.

(2) If the premises are sub-let and their rateable value exceeds the amount of rent payable in respect thereof to the tenant by his sub-tenant, or the amount of rent payable in respect thereof to a sub-tenant by the person holding under him, the said tenant shall be entitled to receive from his sub-tenant, or the said sub-tenant shall be entitled to receive from the person holding under him, as the case may be, the difference between any sum recovered under this section from such tenant or sub-tenant and the amount of property-tax which would be leviable in respect of the said premises if the rateable value thereof were equal to the difference between the amount of rent which such tenant or sub-tenant receives and the amount of rent which he pays.

(3) Any person entitled to receive any sum under this section shall have, for the recovery thereof, the same rights and remedies as if such sum were rent payable to him by the person from whom he is entitled to receive the same.

Person primarily liable for property-tax entitled to credit, if he is a rent-payer.

148. If any person who is primarily liable for the payment of any property-tax himself pays rent to another person other than Government or the corporation in respect of the premises upon which such tax is assessed, he shall be entitled to credit in account with such other person for such sum as would be leviable on account of the said tax if the amount of the rent payable by him were the rateable value of the said premises.

Notice of transfer, &c., of premises assessable to Property-taxes.

Notice to be given to the Commissioner of all transfers of title of persons primarily liable to payment of property-tax.

149. (1) Whenever the title of any person primarily liable for the payment of property-taxes on any premises to or over such premises is transferred, the person whose title is so transferred and the person to whom the same shall be transferred shall,

within three months after execution of the instrument of transfer, or after its registration, if it be registered, or after the transfer is effected, if no instrument be executed, give notice of such transfer, in writing, to the Commissioner.

(*2*) In the event of the death of any person primarily liable as aforesaid, the person to whom the title of the deceased shall be transferred, as heir or otherwise, shall give notice of such transfer to the Commissioner within one year from the death of the deceased.

Form of notice.

150. (*1*) The notice to be given under the last preceding section shall be in the form either of Schedule E or Schedule F, as the case may be, and shall state clearly and correctly all the particulars required by the said form.

(*2*) On receipt of any such notice, the Commissioner may, if he thinks it necessary, require the production of the instrument of transfer, if any, or of a copy thereof obtained under section 57 of the Indian Registration Act, 1877. III of 1877

Liability for payment of property-taxes to continue in the absence of any notice of transfer.

151. (*1*) Every person primarily liable for the payment of a property-tax on any premises, who transfers his title to or over such premises without giving notice of such transfer to the Commissioner as aforesaid, shall, in addition to any other liability which he incurs through such neglect, continue liable for the payment of all property-taxes from time to time payable in respect of the said premises until he gives such notice, or until the transfer shall have been recorded in the Commissioner's books.

(*2*) But nothing in this section shall be held to diminish the liability of the transferee for the said property-taxes, or to affect the prior claim of the Commissioner on the premises, conferred by section 212, for the recovery of the property-taxes due thereupon.

Notice to be given to the Commissioner of the erection of a new building, &c.

152. (*1*) When any new building is erected, or when any building is rebuilt or enlarged,

or when any building which has been vacant is re-occupied,

the person primarily liable for the property-taxes assessed on the building shall within fifteen days give notice thereof, in writing, to the Commissioner.

(*2*) The said period of fifteen days shall be counted from the date of the completion or of the occupation, whichever first occurs, of the building which has been newly erected or rebuilt, or of the enlargement, as the case may be, and in the case of a building which has been vacant, from the date of the re-occupation thereof.

Notice to be given to the Commissioner of demolition or removal of a building.

153. (*1*) When any building or any portion of a building, which is liable to the payment of a property-tax, is demolished or removed, otherwise than by order of the Commissioner, the person primarily liable for the payment of the said tax shall give notice thereof, in writing, to the Commissioner.

(*2*) Until such notice is given, the person aforesaid shall continue liable to pay every such property-tax as he would have been liable to pay in respect of such building, if the same, or any portion thereof, had not been demolished or removed.

Valuation of Property assessable to Property-taxes.

Rateable value how to be determined.

154. (*1*) In order to fix the rateable value of any building or land assessable to a property-tax, there shall be deducted from the amount of the annual rent for which such land or building might reasonably be expected to let from year to year a sum equal to ten per centum of the said annual rent, and the said deduction shall be in lieu of all allowance for repairs or on any other account whatever.

(*2*) The value of any machinery contained or situate in or upon any building or land shall not be included in the rateable value of such building or land.

Commissioner may call for information or returns from owner or occupier or enter and inspect assessable premises.

155. (*1*) To enable him to determine the rateable value of any building or land and the person primarily liable for the payment of any property-tax leviable in respect thereof, the Commissioner may require the owner or occupier of such building or land, or of any portion thereof, to furnish him, within such reasonable period as the Commissioner prescribes in this behalf, with information, or with a written return signed by such owner or occupier,—

(*a*) as to the name and place of abode of the owner or occupier, or of both the owner and occupier of such building or land; and

(*b*) as to the dimensions of such building or land, or of any portion thereof, and the rent, if any, obtained for such building or land, or any portion thereof.

(*2*) Every owner or occupier on whom any such requisition is made shall be bound to comply with the same and to give true information or to make a true return to the best of his knowledge or belief.

(*3*) The Commissioner may also, for the purpose aforesaid, make an inspection of any such building or land.

Assessment-book.

Assessment-book what to contain.

156. The Commissioner shall keep a book, to be called "the assessment-book," in which shall be entered every official—

(*a*) a list of all buildings and lands in the city, distinguishing each, either by name or number, as he shall think fit;

(*b*) the rateable value of each such building and land determined in accordance with the foregoing provisions of this Act;

(*c*) the name of the person primarily liable for the payment of the property-taxes, if any, leviable on each such building or land;

(*d*) if any such building or land is not liable to be assessed to the general tax, the reason of such non-liability;

(*e*) when the rates of the property-taxes to be levied for the year have been duly fixed by the corporation and the period fixed by public notice, as hereinafter provided, for the receipt of complaints against the amount of rateable value entered in any portion of the assessment-book has expired, and, in the case of any such entry which is complained against, when such complaint has been disposed of in accordance with the provisions hereinafter contained, the amount at which each building or land entered in such portion of the assessment-book is assessed to each of the property-taxes, if any, leviable thereon;

(*f*) if, under section 169 or 170, a charge is made for water supplied to any building or land by measurement or the water-tax or charge for water by measurement is compounded for, or if, under section 172, the halálkhor-tax for any building or land is fixed at a special rate, the particulars and amount of such charge, composition or rate;

(*g*) such other details, if any, as the Commissioner from time to time thinks fit to direct.

The assessment-book to be made separately for each ward and in parts, if necessary.

157. (*1*) The assessment-book shall be made in separate books called "ward assessment-books," one for each of the wards into which the city is for the time being divided under the provisions of section 24; and each ward assessment-book may, if the Commis-

sioner thinks fit, be divided into two or more parts for such purposes and with such several designations as the Commissioner shall determine.

(*2*) The ward assessment-books and their respective parts, if any, shall collectively constitute the assessment-book.

Treatment of property which is let to two or more persons in separate occupancies.

158. (*1*) When any building or land is let to two or more persons holding in severalty, the Commissioner may, for the purpose of assessing such building or land to the property-taxes, either treat the whole thereof as one property, or, with the written consent of the owner of such building or land, treat each several holding therein or any two or more of such several holdings together, or each floor or flat, as a separate property.

Allowance of drawback in such cases.

(*2*) When the Commissioner has determined to treat all the several holdings comprised within any one building or land under this section as one property, he may, subject to any general conditions which may from time to time be prescribed by the standing committee in this behalf, at any time not later than seven days before the first day of any half-year for which an instalment of general tax will be leviable in respect of the said property, sanction a drawback of one-fifth part of the general tax so leviable.

Person primarily liable for property-taxes how to be designated, if his name cannot be ascertained.

159. (*1*) When the name of the person primarily liable for the payment of property-taxes in respect of any premises cannot be ascertained, it shall be sufficient to designate him in the assessment-book and in any notice which it may be necessary to serve upon the said person under this Act, "the holder" of such premises, without further description.

Occupier liable for property-taxes until he gives information.

(*2*) If, in any such case, any person in occupation of the premises shall refuse to give such information as may be requisite for determining who is primarily liable as aforesaid, such person shall himself be liable, until such information is obtained, for all

property-taxes leviable on the premises of which he is in occupation.

Public notice to be given when valuation of property in any ward has been completed.

160. (*1*) When the entries required by clauses (*a*), (*b*), (*c*) and (*d*) of section 156 have been completed, as far as practicable, in any ward assessment-book, the Commissioner shall give public notice thereof and of the place where the ward assessment-book, or a copy of it, may be inspected.

(*2*) Such public notice shall be given by advertisement in the *Bombay Government Gazette* and in the local newspapers, and also by posting placards in conspicuous places throughout the ward.

Assessment-book to be open to inspection.

161. (*1*) Every person who reasonably claims to be the owner or occupier of some premises entered in the assessment-book or the agent of any such owner or occupier shall be permitted, free of charge, to inspect and to take extracts from any portion of the said book which relates to the said premises.

(*2*) Any person not entitled under sub-section (*1*) to inspect and take extracts from any portion of the assessment-book free of charge shall be permitted to do so on payment of such fee as shall from time to time be prescribed in this behalf by the Commissioner, with the approval of the standing committee.

Time for filing complaints against valuations to be publicly announced.

162. (*1*) The Commissioner shall, at the time and in the manner prescribed in section 160, give public notice of a day, not being less than fifteen days from the publication of such notice, on or before which complaints against the amount of any rateable value entered in the ward assessment-book will be received in his office.

Special notices to be issued in certain cases.

(*2*) In every case in which any premises have for the first time been entered in the assessment-book as liable to the payment of property-rates, or in which the rateable value of any premises liable to such payment has been increased, the Commissioner shall,

as soon as conveniently may be after the issue of the public notice under sub-section (*1*), give a special written notice to the owner or occupier of the said premises specifying the nature of such entry and informing him that any complaint against the same will be received in his office at any time within fifteen days from the service of the special notice.

Time and manner of filing complaints against valuation.

163. (*1*) Every complaint against the amount of any rateable value entered in the assessment-book must be made by written application to the Commissioner, which shall be left at his office on or before the day or the latest day fixed in this behalf in the public or special notice aforesaid.

(*2*) Every such application shall set forth briefly but fully the grounds on which the valuation is complained against.

Notice to complainants of day fixed for investigating their complaints.

164. The Commissioner shall cause all complaints so received to be registered in a book to be kept for this purpose and shall give notice, in writing, to each complainant of the day, time and place when and whereat his complaint will be investigated.

Hearing of complaint.

165. (*1*) At the time and place so fixed, the Commissioner shall investigate and dispose of the complaint in the presence of the complainant, if he shall appear, and, if not, in his absence.

(*2*) For reasonable cause, the Commissioner may from time to time adjourn the investigation.

(*3*) When the complaint is disposed of, the result thereof shall be noted in the book of complaints kept under section 164, and any necessary amendment shall be made, in accordance with such result, in the assessment-book.

Authentication of ward assessment-books when all complaints have been disposed of.

166. (*1*) When all such complaints, if any, have been disposed of, and the entries required by clause (*e*) of section 156 have been completed in the ward assessment-book, the said book shall be

authenticated by the Commissioner, who shall certify, under his signature, that except in the cases, if any, in which amendments have been made, as shown therein, no valid objection has been made to the rateable values entered in the said book.

(2) Thereupon the said ward assessment-book, subject to such alterations as may thereafter be made therein under the provisions of the next following section, shall be accepted as conclusive evidence of the amount of each property-tax leviable on each building and land in the ward in the official year to which the book relates.

Assessment-book may be amended by the Commissioner during the official year.

167. (1) The Commissioner may, upon the representation of any person concerned, or upon any other information, at any time during the official year to which an assessment-book relates, amend the same by inserting therein the name of any person whose name ought to be so inserted or any premises previously omitted, or by striking out the name of any person not liable for the payment of any property-tax, or by increasing or reducing the amount of any rateable value and of the assessment based thereupon, or by making or cancelling an entry exempting any premises from liability to any property-tax.

(2) Every such amendment shall be deemed to have been made, for the purpose of determining the liability or exemption of the person concerned in accordance with the altered entry, from the earliest day in the current official year when the circumstances justifying the amendment existed.

New assessment-book need not be prepared every official year.

168. (1) It shall not be necessary to prepare a new assessment-book every official year. Subject to the provisions of sub-section (3), the Commissioner may adopt the entries in the last preceding year's book, with such alterations as he thinks fit, as the entries for each new year.

(*2*) But public notice shall be given, in accordance with sections 160 and 162, every year, and the provisions of the said sections and of sections 163 to 167, both inclusive, shall be applicable each year.

(*3*) A new assessment-book shall be prepared at the least once in every four years.

Special Provisions concerning the Water and Halálkhor Taxes.

A charge by measurement or a periodical lump payment may be substituted for the water-tax.

169. (*1*) The Commissioner may—

(*a*) in such cases as the standing committee shall either generally or specially direct, instead of levying the water-tax in respect of any premises liable thereto under section 141, charge for the water supplied to such premises by measurement at such rate as shall from time to time be prescribed by the said committee in this behalf;

(*b*) with the approval of the standing committee, compound with any person for the supply of water to any premises for a renewable term of one or more years not exceeding five on payment of a fixed periodical sum in lieu of the water-tax or charge by measurement which would otherwise be leviable from such person in respect of the said premises.

(*2*) The standing committee may, for the cases in which the Commissioner charges for water by measurement under clause (*a*), from time to time prescribe such conditions as they shall think fit as to the use of the water and as to the charge to be paid for water consumed whilst a meter is out of order or under repair; and in each case in which a composition is made under clause (*b*), the said committee may prescribe such conditions as to the use of the water as they shall think fit: Provided

that no condition prescribed under this sub-section shall be inconsistent with this Act or with any by-law made under this Act.

(*3*) A person who is charged for water by measurement or who has compounded for a fixed periodical sum shall not be liable for payment of the water-tax, but any sum payable by him on account of water and not paid when it becomes due shall be recoverable by the Commissioner as if it were an arrear of water-tax.

Government and the Port Trust to be charged for water by measurement.

170. If, in respect of any premises, water-tax would be leviable under this Act from the Secretary of State for India in Council or from the Trustees of the Port of Bombay, the Commissioner, in lieu of levying such tax, shall charge for the water supplied to such premises, by measurement, at such rate as shall be prescribed by the standing committee in this behalf, not exceeding, in the case of the Secretary of State for India in Council, the minimum rate, and, in the case of the said Trustees, the maximum rate, at the time being charged under clause (*a*) of section 169 to any other person; and such charge shall be recoverable as provided in sub-section (*3*) of the said section.

Supply of water at public drinking-fountains, &c., not to be taxed.

171. No tax or charge of any kind shall be levied or demanded for the use of water in or from any drinking-fountain, tank, reservoir, cistern, pump, well, duct, stand-pipe or other work, used for the gratuitous supply of water to the inhabitants of the city and vesting in the corporation: Provided that the use of water in or from any such work shall be limited as prescribed in sub-section (*3*) of section 169.

Halálkhor-tax may be fixed at special rates in certain cases.

172. (*1*) The Commissioner may, whenever he thinks fit, fix the halálkhor-tax to be paid in respect of any hotel, club or other large premises at such special rate as shall be approved by the

standing committee in this behalf, either generally or in any particular case, whether the service in respect of which such tax is leviable be performed by halálkhors or by substituted means or appliances.

(2) In the case of premises in respect of which the halálkhor-tax is payable by the Secretary of State for India in Council or by the Trustees of the Port of Bombay, the Commissioner shall fix the said tax at a special rate approved as aforesaid.

(3) In any such case the amount of the halálkhor-tax shall be fixed with reference to the cost or probable cost of the collection, removal and disposal, by the agency of municipal halálkhors, of excrementitious and polluted matter from the premises.

Water-tax or halálkhor-tax paid by any person may be recovered by him from the occupier of the premises for which it is paid.

173. (1) Any person who has paid to the Commissioner any water-tax or halálkhor-tax in respect of any premises shall, if he was not himself in occupation of the said premises during the period for which he has made such payment, be entitled to receive the amount of the said payment from the person, if any, in actual occupation of the said premises for the said period.

(2) For the recovery of the said amount from the person aforesaid, the person who has paid the same shall have the same rights and remedies as if such amount were rent payable to him by the person from whom he is entitled to receive the same.

Refund of Property-taxes for Vacancies.

Refund of water and halálkhor-taxes when and to what extent obtainable.

174. When any building or land, or any portion of any premises which the Commissioner has treated under section 158 as a separate property, has been vacant for not less than thirty consecutive days, the Commissioner shall, subject to the provisions hereinafter contained, refund the amount of the water-tax and halálkhor-tax, if any, paid for the number of days that such vacancy lasted.

Refund of general tax when and to what extent obtainable.

175. When any building or land, or any portion of any premises which the Commissioner has treated under section 158 as a separate property, has been vacant for not less than sixty consecutive days, the Commissioner shall, subject to the provisions hereinafter contained, refund two-thirds of the amount of the general tax, if any, paid for the number of days that such vacancy lasted.

Refund not claimable unless notice of vacancy is given to the Commissioner.

176. (*1*) No refund of any property-tax shall be claimable from the Commissioner as aforesaid, unless notice in writing of the vacancy shall have been given by the person liable for the tax, or his agent, to the Commissioner.

(*2*) No refund shall be paid by the Commissioner for any period previous to the day of the delivery of such notice.

(*3*) When a vacancy continues from one half-year in respect of which property-taxes are, under section 197, recoverable, into the next following half-year, no refund of any property-tax shall be claimable from the Commissioner as aforesaid on account of such continued vacancy, unless notice thereof shall be given to the Commissioner as aforesaid within thirty days from the commencement of the said next following half-year.

Refund of water-tax inadmissible unless application for stopping water-supply has been made.

177. No refund of water-tax shall be claimable except from such time as a written application shall have been made to the Commissioner to stop the water-supply to the vacant premises.

Refund of general tax inadmissible when drawback has been sanctioned.

178. No refund of general tax shall be claimable in any case in which the Commissioner has sanctioned a drawback under sub-section (*2*) of section 158.

Applications for refund when and how to be made.

179. It shall be in the discretion of the Commissioner to disallow any claim for refund of any property-tax, unless application therefor is made to him in writing within thirty days after the expiry of the half-year to which the claim relates, accompanied by the bill presented to the applicant under section 200 for the amount of the tax from which the refund is claimed.

Tax on Vehicles and Animals.

Tax on what vehicles and animals to be levied.

180. Except as hereinafter provided, a tax at rates not exceeding those specified in Schedule G shall be levied on all vehicles and on all animals of the descriptions specified in the said schedule which are kept within the city.

Exemptions from the tax.

181. The said tax shall not be leviable in respect of—

(*a*) any vehicle or animal certified by the Commissioner or the Police Commissioner, as the case may be, to be employed by the owner thereof for municipal or police purposes;

(*b*) gun-carriages, ordnance carts or wagons, and artillery and cavalry horses;

(*c*) any horse which any person, exempted by an order issued under section 3 of the Municipal Taxation Act, 1881 from the operation of any municipal tax on horses, is bound by the regulations of the service to which he belongs to keep; XI of 1881.

(*d*) any horse exempted from municipal taxation by section 25 of the Indian Volunteers' Act, 1869; XX of 1869.

(*e*) vehicles and animals belonging to Her Majesty[a] or to the corporation;

[a] The words "Her Majesty" were substituted for the original words by Bom. IV of 1888, s. 5 (*a*).

(*f*) vehicles and animals which belong to the persons to whom the right of working street-tramways in the city is granted by the Bombay Tramways Act, 1874, and which are exempted from municipal taxation by the said Act;

Bom. I of 1874.

(*g*) vehicles kept by *bonâ fide* dealers in vehicles for sale merely, and not used;

(*h*) trucks used exclusively on a wharf or in or upon any premises appertaining to a factory, workshop, warehouse or railway;

(*j*) hand-barrows having one wheel only and children's perambulators.

Periods by which liability for the tax is determinable.

182. (*1*) Every person who has owned or had charge of any vehicle or animal in respect of which the tax aforesaid is leviable shall, if he has owned or had charge thereof,—

(*a*) for not less than thirty days in any quarter, be liable for the whole tax for that quarter;

(*b*) for less than thirty but more than seven days in any quarter, be liable for one-third of the whole tax for that quarter;

(*c*) for not more than seven days in any quarter, be exempt from liability for the tax for that quarter.

(*2*) When a person has owned or had charge of two or more vehicles or two or more animals of the same description, each at different periods in one quarter, he shall, for the purposes of this section, be deemed to have owned or had charge of one vehicle or one animal only, as the case may be, for the aggregate number of days in the said two or more periods.

Vehicles under repair, or standing at carriage-maker's, exempt.

183. If a vehicle has been under repair or standing at a carriage-maker's during the whole of any quarter, no tax shall be leviable in respect thereof for that quarter.

Animals unfit for use, and not used, exempt.

184. If an animal has been during the whole of any quarter in any institution for the reception of infirm or disused animals, or if any animal certified by a veterinary surgeon to have been unfit for use during the whole of any quarter has not been used during such quarter, no tax shall be leviable in respect of such animal for that quarter.

Livery-stable-keepers and others may be compounded with.

185. The Commissioner may, with the approval of the standing committee, compound with any livery-stablekeeper or other person keeping vehicles or horses or bullocks for hire, or with any dealer having stables in which horses are kept for sale on commission or otherwise, for the payment of a lump sum for any period not exceeding one year at a time, in lieu of the taxes which such livery-stablekeeper or other person or dealer would otherwise be liable to pay under section 180.

Vehicle and animal tax-book to be kept.

186. (*1*) The Commissioner shall keep a book, in which shall be entered from time to time—

(*a*) a list of the persons liable to pay any tax under section 180;

(*b*) a specification of the vehicles and animals in respect of which the said persons are, respectively, liable to the said tax;

(*c*) the amount of tax payable by each such person and the period for which it is payable;

(*d*) the particulars of every composition made under section 185.

(*2*) Any person whose name is entered in the said book, or the agent of any such person, shall be permitted, free of charge, to inspect and take ex-

tracts from any portion of the said book which relates to such person.

(*3*) Any person not entitled under sub-section (*2*) to inspect and take extracts from any portion of the said book free of charge, shall be permitted to do so on payment of such fee as shall from time to time be prescribed in this behalf by the Commissioner, with the approval of the standing committee.

Returns may be called for from owners of premises and persons supposed to be liable to the tax.

187. (*1*) In order that the said list may be prepared, the Commissioner may require—

(*a*) the owner of any premises let to or occupied by more than one person owning or having the charge of vehicles and animals to furnish him with a written return, signed by such owner, of the name and address of each of the said persons, and of the animals and vehicles owned by or in the charge of each of the said persons kept upon such owner's premises;

(*b*) any person supposed to be liable to the payment of any tax on a vehicle or animal to furnish him with a written return, signed by such person and containing such information concerning the vehicles and animals, if any, owned by or in the charge of such person as the Commissioner shall deem necessary.

(*2*) Every person on whom any such requisition is made shall be bound to comply with the same, within such reasonable period as the Commissioner prescribes in this behalf, whether such person be liable to the payment of any such tax or not, and to make a true return to the best of his knowledge or belief.

Notice to be given to Commissioner by a person not hitherto liable to the tax, who becomes possessed of a vehicle or animal in respect of which liability arises.

188. Every person who, in any quarter for which a tax on vehicles and animals is leviable, becomes possessed of any vehicle or animal in respect of which he will be liable to the payment of the said tax, shall, if in the immediately preceding quarter he was not liable to the payment of any such tax, give notice, in writing, to the Commissioner, within fifteen days after he has become possessed of such vehicle or animal, of the fact of his having become possessed thereof.

Power to inspect stables and summon persons liable to the tax.

189. (*1*) The Commissioner may make an inspection of any stable or coach-house or any place wherein he may have reason to believe that there is any vehicle or animal liable to a tax under this Act.

(*2*) The Commissioner may, by written summons, require the attendance before him of any person whom he has reason to believe to be liable to the payment of a tax in respect of a vehicle or animal, or of any servant of any such person, and may examine such person or servant as to the number and description of vehicles and animals owned by or in the charge of such person; and every person so summoned shall be bound to attend before the Commissioner and to give true information, to the best of his knowledge or belief, as to the said matters.

Toll on Vehicles entering the City from Sálsette.

Rate and method of levying the toll.

190. (*1*) A toll, at a rate not exceeding two annas each, shall be levied on all vehicles entering the city from Sálsette which are not liable to the tax leviable under section 180, except vehicles of the descriptions specified in clauses (*a*), [a] (*e*), (*f*) and (*h*) of section 181.

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[a] The letter (*b*), repealed by Act II of 1901, section 8, schedule, is omitted. The said schedule further repeals so much of the rest of sub-section (*1*) of section 190 as excepts vehicles which are excepted by section 3 of Act II of 1901.

(*2*) The said toll shall be leviable on each occasion that any vehicle liable thereto enters the city from Sálsette.

Ticket certifying payment of toll to be given to driver of vehicle;

191. (*1*) The driver of every vehicle in respect of which such a toll is paid under the last preceding section shall be entitled to receive from the person who collects the same a ticket certifying payment thereof.

but vehicle on which toll has been paid not to be exempt from tax under section 180, if otherwise liable thereto.

(*2*) The possession of any such ticket shall not, however, be deemed to exempt the person who owns or has charge of the vehicle from the tax leviable under section 180, if such vehicle is kept in the city for any such period as renders it liable to the said tax.

Town-duties.

Town-duties at what rates and on what articles leviable.

192. (*1*) Except as hereinafter provided, duties at rates not exceeding those respectively specified in Schedule H shall be levied in respect of the several articles mentioned in the said Schedule or of so many of them as the corporation shall from year to year, in accordance with section 128, determine when the said articles are imported from any place into the city.

(*2*) The said duties shall be called "town-duties."

Table of rates of town-duties to be affixed on certain places.

193. The Commissioner shall cause tables of the town-duties for the time being leviable, specifying the rates at which and the articles on which the same are leviable, to be printed in the English, Gujaráti, Maráthi and Urdu languages and to be affixed in a conspicuous position at every place at which the said town-duties are levied.

Exemption of articles belonging to Government from town-duty.

194. (*1*) No town-duty shall be leviable on any article which, at the time of its importation, is certified by an officer empowered by Government in this behalf to be the property of Government.

Refund of town-duty on articles which become the property of Government after importation.

(*2*) If any article on which town duty is paid is imported under a written declaration signed by the importer that such article is being imported for the purpose of fulfilling a specified contract with Government or otherwise for the use of Government, the full amount of the duty paid thereon shall be refunded, on production, at any time within six months after importation, of a certificate signed by an officer empowered by Government in this behalf certifying that the article so imported has become the property of Government.

Refund of town-duty on export.

195. (*1*) When any article upon which town-duty has been paid shall be exported from the city, the full amount of the duty so paid shall, subject to the provisions hereinafter contained, be refunded.

(*2*) Such refunds shall be paid under such rules as the Commissioner, with the approval of the standing committee, shall from time to time frame in this behalf:

(*3*) Provided that—

(*a*) no refund shall be paid on any article, other than timber or flour, not exported within six months, or on any timber not exported within twelve months, from the date of its importation;

(*b*) a refund shall be claimable on all flour exported from the city, without proof of the importation of the same into the city, equal to seventy-five per centum of the amount of the duty at the time being leviable on the grain from which such flour has been prepared;

(*c*) no refund shall be paid unless the same is applied for within one month from the date of exportation;

(*d*) no refund shall be made of any less amount than five rupees;

(*e*) no rule framed by the Commissioner under this section shall have effect unless and until it is confirmed by Government.

Supplementary Taxation.

196. Whenever the corporation determine, under section 134, to have recourse to supplementary taxation in any official year, they shall do so by increasing, for the unexpired portion of the said year, the rates at which any tax imposable under this Act is being levied or by adding to the number of articles on which town-duties are being levied, but every such increase or addition shall be made subject to the limitations and conditions on which any such tax is imposable.

Any tax imposable under this Act may be increased by way of imposing supplementary taxation.

Collection of Taxes.

197. Each of the property-taxes shall be payable in advance in half-yearly instalments on each first day of April and each first day of October.

Property-taxes payable half-yearly in advance.

198. (*1*) Except as is hereinafter otherwise provided, the tax on vehicles and animals shall be payable quarterly in arrear on each first day of April and each first day of July and each first day of October and each first day of January:

Tax on vehicles and animals payable quarterly in arrear;

(*2*) Provided that in the case of any public conveyance licensed by the Police Commissioner under Bombay Act VI of 1863 (*an Act for the regulation of public conveyances in the town, suburbs and harbour of Bombay*), the person who keeps or lets such public conveyance for hire shall be required by the said Commissioner, before any license is issued to him under the said Act, to pay into the municipal office the tax leviable on the said public conveyance and the animal or animals used for the same, for the whole period for which such license is to be granted, together with the fee payable for such license.

but tax on public conveyances to be paid in advance.

Tolls and town-duties payable on demand.

199. Tolls on vehicles entering the city from Sálsette and town-duties shall be payable on demand.

Presentation of bills for certain taxes.

200. (*1*) When any property-tax or tax on vehicles and animals, other than public conveyances and the animals used therefor, or any instalment of any such tax, shall have become due, the Commissioner shall, with the least practicable delay, cause to be presented to the person liable for the payment thereof a bill for the sum due.

(*2*) Every such bill shall specify the period for which, and the premises, vehicle or animal in respect of which, the tax is charged, and shall also give notice of the time within which an appeal may be preferred, as hereinafter provided, against such tax.

When one bill may be presented for several claims.

201. (*1*) All the sums due for each half-year for all or any of the three property-taxes by any one person on account of one and the same property shall be charged to such person in one bill and shall be recoverable from him in the lump: Provided that nothing herein contained shall affect the liability of such person to any increased tax to which he may be assessed on account of the said property under section 167.

(*2*) If any one person is liable for all or any of the said taxes on account of more properties than one, it shall be competent to the Commissioner to charge to such person in one or several bills, as he shall think fit, the several sums payable by him on account of such properties: Provided that if such person, by written notice to the Commissioner, requests to be furnished with several bills, the Commissioner shall comply with such request in respect of all the said taxes for which such person becomes liable after receipt by the Commissioner of his said notice.

Notice of demand.

202. (*1*) If the amount of tax for which any bill has been presented as aforesaid is not paid into the municipal office within fifteen days from the presentation thereof, the Commissioner may cause to be served upon the person liable for the payment of the same a notice of demand in the form of Schedule I, or to the like effect.

(*2*) For every notice of demand which the Commissioner causes to be served on any person under this section, a fee of such amount not exceeding one rupee as shall in each case be fixed by the Commissioner shall be payable by the said person and shall be included in the costs of recovery.

Distress.

203. If the person liable for the payment of the said tax do not within fifteen days from the service of the notice of demand pay the sum due, or show sufficient cause for non-payment of the same to the satisfaction of the Commissioner, and if no appeal is preferred against the said tax, as hereinafter provided, such sum, with all costs of the recovery, may be levied under a warrant in the form of Schedule J, or to the like effect, to be issued by the Commissioner, by distress and sale of the goods and chattels of the defaulter, or, if the defaulter be the occupier of any premises in respect of which a property-tax is due, by distress and sale of any goods and chattels found on the said premises.

Goods of defaulter may be distrained, wherever found.

204. The goods and chattels of any person liable for the payment of any tax, for levy of which a warrant has been issued as aforesaid, may be distrained wherever the same may be found.

Inventory and notice of distress and sale.

205. The officer charged with the execution of a warrant of distress issued under section 203, shall forthwith make an inventory of the goods and chattels which he seizes under such warrant, and shall at the same time give a written notice, in the form of Schedule K, to the person in possession

thereof at the time of seizure, that the said goods and chattels will be sold as therein mentioned.

Sale.

206. (*1*) If the warrant is not in the meantime suspended by the Commissioner or discharged, the goods and chattels seized shall, after the expiry of the period named in the notice served under the last preceding section, be sold by order of the Commissioner, who shall apply the proceeds or such part thereof as shall be requisite, in discharge of the sum due and of the costs of recovery.

(*2*) The surplus, if any, shall be forthwith credited to the municipal fund, but, if the same be claimed by written application to the Commissioner within one year from the date of the sale, a refund thereof shall be made to the person in possession of the goods and chattels at the time of the seizure. Any surplus not claimed within one year as aforesaid shall be the property of the corporation.

Fees for distraints.

207. For every distraint made under this Act a fee shall be charged at the rate set forth in Schedule L, and the said fee shall be included in the costs of recovery.

Fees for cost of recovery may be remitted.

208. The Commissioner may, in his discretion, remit the whole or any part of any fee chargeable under the last preceding section or under sub-section (*2*) of section 202.

When occupiers may be held liable for payment of property-taxes.

209. (*1*) If the sum due on account of any property-tax remains unpaid after a bill for the same has been duly presented to the person primarily liable for the payment thereof, and the said person be not the occupier for the time being of the premises in respect of which the tax is due the Commissioner may present a bill for the amount to the occupier of the said premises, or, if there are two or more occupiers thereof, may present a bill to each of them for such portion of the sum due as bears to

the whole amount due the same ratio which the rent paid by such occupier bears to the aggregate amount of rent paid by them both or all in respect of the said premises.

(*2*) If the occupier or any of the occupiers fails within fifteen days from the presentation of any such bill to pay the amount therein claimed, the said amount may be recovered from him in accordance with the foregoing provisions.

(*3*) No arrear of a property-tax shall be recovered from any occupier under this section, which has remained due for more than one year, or which is due on account of any period for which the occupier was not in occupation of the premises on which the tax is assessed.

(*4*) If any sum is paid by, or recovered from, an occupier under this section, he shall be entitled to credit therefor in account with the person primarily liable for the payment of the same.

Summary proceedings may be taken against persons about to leave the city.

210. (*1*) If the Commissioner shall at any time have reason to believe that any person from whom any sum is due on account of any property-tax or tax on vehicles and animals, or who would be liable for any sum on account of the tax on vehicles and animals if the current quarter had come to a close, is about forthwith to remove from the city, the Commissioner may direct the immediate payment by such person of the sum so due or about to become due by him and cause a bill for the same to be presented to him.

(*2*) If, on presentation of such bill, the said person do not forthwith pay the sum due or about to become due by him, the amount shall be leviable by distress and sale in the manner hereinbefore prescribed, except that it shall not be necessary to serve upon the defaulter any notice of demand, and

the Commissioner's warrant for distress and sale may be issued and executed without any delay.

Defaulters may be sued for arrears, if necessary.

211. Instead of proceeding against a defaulter by distress and sale as hereinbefore provided, or after a defaulter shall have been so proceeded against unsuccessfully or with only partial success, any sum due or the balance of any sum due, as the case may be, by such defaulter, on account of a property-tax or of the tax on vehicles and animals, may be recovered from him by a suit in any Court of competent jurisdiction.

Property-taxes to be a first charge on premises on which they are assessed.

212. Property-taxes due under this Act in respect of any building or land shall, subject to the prior payment of the land-revenue, if any, due to Government thereupon, be a first charge upon the said building or land and upon the goods and chattels, if any, found within or upon such building or land and belonging to the person liable for such taxes.

Collection of tolls and town-duties how to be effected.

213. (*1*) Tolls on vehicles entering the city from Sálsette and town duties—

(*a*) may be collected, under the orders of the Commissioner, by municipal officers and servants appointed in this behalf; or

(*b*) if the Commissioner thinks fit, may, with the approval of the standing committee, be farmed by him for any period not exceeding one year at a time or be collected by or under the orders of any person whom the Commissioner, with the approval of the standing committee, appoints to be his agent for this purpose.

(*2*) The said tolls and town-duties shall be collected, and refunds of town-duties shall be made, at such places, and be managed and controlled in such manner, as the Commissioner, with the approval of the standing committee, shall from time to time direct.

Procedure in case of non-payment of toll.

214. (*1*) If any toll payable in respect of a vehicle entering the city from Salsette is not paid on demand, the person authorized under section 213 to collect the same may seize—

(*a*) any part of the contents of the vehicle in respect of which the toll is payable of sufficient value to defray the toll; or

(*b*) if the vehicle is empty, or the contents are of insufficient value to defray the toll, the vehicle itself.

(*2*) If the toll and the costs, if any, incurred on account of the seizure, remain undischarged for twenty-four hours after the seizure, the case shall be reported to the Commissioner, and the Commissioner shall forthwith issue a public notice, fixing some convenient time within three days after the date of the seizure for the sale by public auction of the property which has been seized.

(*3*) If, at any time before the sale is commenced in accordance with such public notice, the person in whose possession the property was at the time it was seized shall pay to the Commissioner a sum equal to double the amount of the toll due, together with all the expenses incurred on account of the non-payment of the toll and of the seizure and intended sale, the Commissioner shall forthwith release the property seized.

(*4*) If such payment is not made, the property seized shall be sold by auction in accordance with the public notice, and the proceeds shall be devoted to the discharge of the toll and of all expenses incurred on account of the non-payment of the toll and of the seizure and sale. The surplus, if any, shall be forthwith credited to the municipal fund, but, if the same be claimed by written application to the Commissioner within one year from the date of the sale, a refund thereof shall be made to the

person in whose possession the property was at the time of the seizure. Any surplus not claimed within one year as aforesaid shall be the property of the corporation.

Powers of persons authorized to collect and refund town-duties.

215. Every person authorized under section 213 to collect or to refund town-duties shall have, in respect of the collection of the said duties and of paying refunds and of the confiscation of goods in connection therewith, the same powers as are conferred by any law at the time in force on the Commissioner of Customs of Bombay and the officers subordinate to him in respect of the levy of customs-duties and of the grant of drawbacks and of the confiscation of goods in connection therewith, and shall also have the same privileges and be subject to the same liabilities in respect of anything done by him in or for the purpose of collecting or refunding town-duties as the said Commissioner of Customs and the officers subordinate to him have or are subject to under any law at the time in force relating to customs-duties.

Writing off of irrecoverable taxes.

216. The Commissioner may, with the approval of the standing committee, from time to time write off any sum due on account of any tax or of the costs of recovering any tax, which shall, in his opinion, be irrecoverable.

Appeals against Valuations and Taxes.

Appeals when and to whom to lie.

[a] **217.** (*1*) Subject to the provisions hereinafter contained, appeals against any rateable value or tax fixed or charged under this Act shall be heard and determined by the Chief Judge of the Small Cause Court.

(*2*) But no such appeal shall be heard by the said Chief Judge, unless—

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[a] As to references by the Chief Judge of the Court of Small Causes to the High Court, before or on the hearing of an appeal under section 217—see Act XII of 1888, s. 2.

(*a*) it is brought within fifteen days after the accrual of the cause of complaint;

(*b*) in the case of an appeal against a rateable value, a complaint has previously been made to the Commissioner under section 163, and such complaint has been disposed of;

(*c*) in the case of an appeal against any amendment made in the assessment-book under section 167 during the official year, a complaint has been made by the person aggrieved within fifteen days after he first received notice of such amendment, and his complaint has been disposed of;

(*d*) in the case of an appeal against a tax, or in the case of an appeal made against a rateable value after a bill for any property-tax assessed upon such value has been presented to the appellant, the amount claimed from the appellant has been deposited by him with the Commissioner.

Cause of complaint when to be deemed to have accrued.

218. For the purposes of the last preceding section, cause of complaint shall be deemed to have accrued as follows, namely—

(*a*) in the case of an appeal against a rateable value, on the day when the complaint made to the Commissioner under section 163 against such value is disposed of;

(*b*) in the case of an appeal against any amendment made in the assessment-book, under section 167, during the official year, on the day when the complaint made to the Commissioner by the person aggrieved against such amendment is disposed of;

(*c*) in the case of an appeal against a tax, on the day when payment thereof is demanded or when a bill therefor is presented.

(Chap. VIII.—Municipal Taxation Sec. 219. Chap. IX.—Drains and Drainage-works. Secs. 220-220A.)

Unappealed values and taxes and decisions on appeal to be final.

219. (*1*) Every rateable value fixed under this Act against which no complaint is made as hereinbefore provided, and

the amount of every sum claimed from any person under this Act on account of any tax, if no appeal therefrom is made as hereinbefore provided, and

the decision of the Chief Judge aforesaid upon any appeal against any such value or tax,

shall be final.

(*2*) Effect shall be given by the Commissioner to every decision of the said Chief Judge on any appeal against any such value or tax.

CHAPTER IX.

DRAINS AND DRAINAGE-WORKS.

Municipal Drains.

Municipal drains to be under the control of the Commissioner.

220. All drains [a] vesting in or [a] belonging to the corporation—which in this Act are referred to as "municipal drains"—shall be under the control of the Commissioner.

Vesting of water-courses.

[b] **220A.** (*1*) Any natural water-course heretofore belonging to His Majesty by which rain-water or drainage of any kind is carried, may, on application to Government made by the Commissioner with the previous approval of the standing committee, be vetsed in the corporation: Provided that

(*a*) it shall be in the discretion of Government in each case to determine whether a

[a-a] These words were inserted by Bom. V of 1905, s. 10.
[b] Section 220A was added by Bom. V of 1905, s. 11.

particular water-course so applied for shall be so vested, and

(*b*) a resolution of Government declaring that a water-course so applied for may be made over to the corporation shall, from the date thereof, operate to vest such water-course in the corporation.

Drains to be constructed and kept in repair by the Commissioner.

[a] **221.** (*1*) The Commissioner shall maintain and keep in repair all municipal drains and, when authorized by the corporation in this behalf, shall construct such new drains as shall from time to time be necessary for effectually draining the city.

[b] (*2*) The Commissioner shall also, in the case of any street in which there is a municipal drain, construct at the charge of the municipal fund such portion of the drain of any premises to be connected with such municipal drain as it shall be necessary to lay under any part of such street, and the portion of any connecting drain so laid under the street shall vest in the corporation and be maintained and kept in repair by the Commissioner as a municipal drain.

Powers for making drains.

222. (*1*) The Commissioner may carry any municipal drain through, across or under any street, or any place laid out as or intended for a street, or under any cellar or vault which may be under any street, and, after giving reasonable notice in writing to the owner or occupier, into, through or under any land whatsoever within the city, or, for the purpose of outfall or distribution of sewage, without the city.

(*2*) The Commissioner may enter upon, and construct any new drain in the place of an existing

[a] Section 221 was re-numbered section 221, sub-section (*1*) by Bom. V of 1905, s. 12. (*1*).

[b] Sub-section (*2*) was inserted by Bom. V of 1905, s. 12 (*2*).

drain in, any land wherein any municipal drain has been already lawfully constructed, or repair or alter any municipal drain so constructed.

(*3*) In the exercise of any power under this section, as little damage as can be shall be done, and compensation shall be paid by the Commissioner to any person who sustains damage by the exercise of such power.

Buildings, &c., not to be erected without permission over drains.

223. (*1*) Without the written permission of the Commissioner, no building, wall or other structure shall be newly erected, and no street or railway shall be constructed, over any municipal drain.

(*2*) If any building, wall or other structure be so erected, or any street or railway be so constructed, the Commissioner may, with the approval of the standing committee, remove or otherwise deal with the same as he shall think fit, and the expenses thereby incurred shall be paid by the person offending.

Alteration and discontinuance of drains.

224. (*1*) The Commissioner may enlarge, arch over or otherwise improve any municipal drain, and may discontinue, close up or destroy any such drain which has, in his opinion, become useless or unnecessary.

(*2*) Provided that the discontinuance, closing up or destruction of any drain shall be so done as to create the least practicable nuisance or inconvenience to any person, and, if by reason of anything done under this section any person is deprived of the lawful use of any drain, the Commissioner shall, as soon as may be, provide for his use some other drain as effectual as the one which has been discontinued, closed up or destroyed.

Cleansing drains.

225. (*1*) The municipal drains shall be so constructed, maintained and kept as to create the least

practicable nuisance and shall be from time to time properly flushed, cleansed and emptied.

(*2*) For the purpose of flushing, cleansing and emptying the said drains, the Commissioner may, when authorized by the corporation in this behalf, construct or set up such reservoirs, sluices, engines and other works, as he shall from time to time deem necessary.

226. [*Repealed by Bom. V of 1905.*]

Drains of Private Streets and Drainage of Premises.

227. The owner of a private street shall be entitled to connect the drain of such street with a municipal drain, subject to the following conditions, namely— Power to connect drains of private streets with municipal drains.

(*a*) before commencing to construct such drain, the owner of the street shall submit to the Commissioner a plan of the street, bearing the signature of a licensed surveyor in token of its having been made by him or under his supervision, and drawn to such a convenient scale as the Commissioner shall require, and there shall be shown on such plan the position, course and dimensions of the proposed drain, with a section or sections thereof, and such other particulars in relation thereto as the Commissioner shall deem necessary and require, and no such drain shall be proceeded with without the approval in writing or contrary to the directions of the Commissioner;

(*b*) the drain of such private street shall, at the expense of the owner of the street, be constructed of such size, material and description, and be branched into the municipal drain in such manner and form

of communication in all respects, as the Commissioner, with the approval of the standing committee, shall direct;

(*c*) the Commissioner may, if he thinks fit, construct such part of such drain and such part of the work necessary for branching the same into the municipal drain as shall be in or under any public street or place vesting in the Corporation and, in such case, the expenses incurred by the Commissioner shall be paid by the owner of the private street.

Power of owners and occupiers of premises to drain into municipal drains.

228. The owner or occupier of any premises shall be entitled to cause his drain to empty into a municipal drain [a] or other place legally set apart for the discharge of drainage,[a] provided that he first obtains the written permission of the Commissioner and that he complies with such conditions as the Commissioner prescribes as to the mode in which and the superintendence under which [b] connections with municipal drains or other places aforesaid [b] are to be made.

Connections with municipal drains not to be made except in conformity with section 227 or 228.

229. No person shall, without complying with the provisions of section 227 or 228, as the case may be, make or cause to be made any connection of a drain belonging to himself or to some other person with any municipal drain [a] or other place legally set apart for the discharge of drainage [a]; and the Commissioner may, with the approval of the standing committee, close, demolish, alter or re make any such connection made in contravention of this section, and the expenses incurred by the Commissioner in so doing shall be paid by the owner of the street,

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[a-a] These words were inserted by Bom. V of 1905, s. 14 (*1*).

[b-b] These words were substituted for the original words by Bom. V of 1905, s. 15.

or the owner or occupier of the premises, for the benefit of which the connection was made, or by the person offending.

Rights of owners and occupiers of premises to carry drains through land belonging to other persons.

230. (*1*) If it shall appear to the Commissioner that the only means or the most convenient means, by which the owner or occupier of any premises can cause his drain to empty into a municipal drain [a] or other place legally set apart for the discharge of drainage, [a] is by carrying the same into, through or under any land belonging to some person other than the said owner or occupier, the Commissioner, after giving to the owner of the land a reasonable opportunity of stating any objection, may, with the approval of the standing committee, if no objection is raised, or if any objection which is raised appears to him invalid or insufficient, by an order in writing, authorize the said owner or occupier to carry his drain into, through or under the said land in such manner as he shall think fit to allow.

(*2*) Every such order, bearing the signature of the Commissioner, shall be a complete authority to the person in whose favour it is made, or to any agent or person employed by him for this purpose, after giving to the owner of the land reasonable written notice of his intention so to do, to enter upon the said land with assistants and workmen, at any time between sunrise and sunset, and to execute the necessary work.

(*3*) Subject to all other provisions of this Act, the owner or occupier of any premises, or any agent or person employed by him for this purpose, may, after giving to the owner of any land, wherein a drain has been already lawfully constructed for the drainage of his said premises, reasonable written notice of his intention so to do, enter upon the said land with assistants and workmen, at any time

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[a-a] These words were inserted by Bom. V of 1905, s. 14 (*f*).

between sunrise and sunset, and construct a new drain in the place of the existing drain or repair or alter any drain so constructed.

(*4*) In executing any work under this section, as little damage as can be shall be done, and the owner or occupier of premises [a] for the benefit of which [a] the work is done shall—

(*a*) cause the work to be executed with the least practicable delay;

(*b*) fill in, reinstate and make good, at his own cost and with the least practicable delay, the ground or portion of any building or other construction opened, broken up or removed for the purpose of executing the said work;

(*c*) pay compensation to any person who sustains damage by the execution of the said work.

(*5*) If the owner of any land, into, through or under which a drain has been carried under this section whilst such land was unbuilt upon, shall, at any time afterwards, desire to erect a building on such land, the Commissioner shall, with the approval of the standing committee, by written notice, require the owner or occupier of the premises for the benefit of which such drain was constructed to close, remove or divert the same in such manner as shall be approved by the said committee, and to fill in, reinstate and make good the land as if the drain had not been carried into, through or under the same: Provided that no such requisition shall be made, unless, in the opinion of the standing committee, it is necessary or expedient, in order to admit of the construction of the proposed building or the safe enjoyment thereof, that the drain be closed, removed or diverted.

[a-a] These words were substituted for the original words by Bom. V of 1905, s. 16.

Commissioner may enforce drainage of undrained premises situate within a hundred feet of a municipal drain.

231. Where any premises are, in the opinion of the Commissioner, without sufficient means of effectual drainage and a municipal drain or some place legally set apart for the discharge of drainage is situated at a distance not exceeding one hundred feet from some part of the said premises, the Commissioner may, by written notice, require the owner or occupier of the said premises—

(*a*) to make a drain of such material, size and description and laid at such level [a] and according to such alignment [a] and with such fall and outlet as may appear to the Commissioner necessary, emptying into such municipal drain or place aforesaid :

[b] Provided that, where any premises have already been drained under municipal rules and have to be re-drained, no such requistion shall be made without the previous sanction of the standing committee ;

(*b*) to provide and set up all such appliance and fittings as may appear to the Commissioner necessary for the purposes of gathering and receiving the drainage from, and conveying the same off, the said premises and of effectually flushing such drain and every fixture connected therewith ;

(*c*) to remove any existing drain, or other appliance or thing used or intended to be used for drainage, which is injurious to health.

Commissioner may enforce drainage of undrained premises not situate within a hundred feet of a municipal drain.

232. (*1*) Where any premises are, in the opinion of the Commissioner, without sufficient means of effectual drainage, but no municipal drain or such place as aforesaid is situated at a distance not

[a-a] These words were inserted by Bom. V of 1905, s. 17 (*a*).
[b] This proviso was added by Bom. V of 1905, s. 17 (*b*).

exceeding one hundred feet from some part of the said premises, the Commissioner may, by written notice, require the owner or occupier of the said premises—

[a] (*a*) to construct a drain up to a point to be prescribed in such notice, but not distant more than one hundred feet from some part of the said premises, or

(*b*) to construct a closed cesspool of such material, size and description in such position, at such level, and with allowance for such fall as the Commissioner thinks necessary, and a drain or drains emptying into such cesspool.[a]

[b] (*2*) Any requisition for the construction of any drain under sub-section (*1*) may comprise any detail specified in clause (*a*), (*b*) or (*c*) of section 231.

Power of Commissioner to drain premises in combination.

[c] **232A.** (*1*) Where the Commissioner is of opinion that any group or block of premises, any part of which is situate within one hundred feet of a municipal drain, or other place legally set apart for the discharge of drainage, already existing or about to be constructed, may be drained more economically or advantageously in combination than separately, the Commissioner may, with the approval of the standing committee, cause such group or block of premises to be drained by such method as appears to the Commissioner to be best suited therefor, and the expenses incurred by the Commissioner in so doing shall be paid by the owners of such premises in such proportions as the standing committee may think fit.

[a-a] These words were substituted for the original words by Bom. V of 1905, s. 18 (*a*).

[b] Sub-section (*2*) was substituted for the original sub-section by Bom. V of 1905, s. 18 (*b*).

[c] Section 232A was inserted by Bom. V of 1905, s. 19.

(*2*) Not less than fifteen days before any work under this section is commenced, the Commissioner shall give written notice to the owners of all the premises to be drained, of

(*a*) the nature of the intended work,

(*b*) the estimated expenses thereof, and

(*c*) the proportion of such expenses payable by each owner.

(*3*) The owners for the time being of the several premises constituting a group or block drained under sub-section (*1*) shall be the joint owners of every drain constructed, erected or fixed, or continued, for the special use and benefit only of such premises, and shall, in the proportions in which it is determined that the owners of such premises are to contribute to the expenses incurred by the Commissioner under sub-section (*1*), be responsible for the expense of maintaining every such drain in good repair and efficient condition, but every such drain shall from time to time be flushed, cleansed and emptied by the Commissioner at the charge of the municipal fund.

Commissioner may close or limit the use of existing private drains.

233. (*1*) Where a drain connecting any premises with a municipal drain [a] or other place legally set apart for the discharge of drainage [a] is sufficient for the effectual drainage of the said premises and is otherwise unobjectionable, but is not, in the opinion of the Commissioner, adapted to the general drainage system of the city, [b] or of the part of the city in which such drain is situated, [b] the Commissioner, with the approval of the standing committee, may—

(*a*) subject to the provision of sub-section (*2*), close, discontinue or destroy the said drain

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[a-a] These words were inserted by Bom. V of 1905, s. 14 (*1*).
[b-b] These words were inserted by Bom. V of 1905, s. 20 (*a*).

and cause any work necessary for that purpose to be done;

[a](*b*) direct that such drain shall, from such date as he prescribes in this behalf, be used for sullage and sewage only, or for rain-water only, or for unpolluted sub-soil water only, or for both rain-water and unpolluted sub-soil water only, and by written notice require the owner or occupier of the premises to make an entirely distinct drain for rain-water or unpolluted sub-soil water, or for both rain-water and unpolluted sub-soil water, or for sullage and sewage.

(*2*) No drain may be closed, discontinued or destroyed by the Commissioner under clause (*a*), except on condition of his providing another drain as effectual for the drainage of the premises and communicating with any municipal drain [b]or other place aforesaid[b] which the Commissioner thinks fit; and the expenses of the construction of any drain so provided by the Commissioner and of any work done under clause (*a*) shall be paid by the Commissioner.

(*3*) Any requisition made by the Commissioner under clause (*b*) may embrace any detail specified in clause (*a*) or clause (*b*) of section 231.

Vesting and maintenance of drains for sole use of properties.

[c]**233A.** Subject to the provisions of sub-section (*2*) of section 221, every drain which has been constructed, erected or set up, whether at the expense of the corporation or not, or which is continued, for the sole use and benefit of any premises shall—

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[a] This clause was substituted for the original clause (*b*) by Bom. V of 1905, s. 20 (*b*).

[b-b] These words were inserted by Bom. V of 1905, s. 14 (*2*).

[c] Section 233A was inserted by Bom. V of 1905, s. 21.

(*a*) notwithstanding anything contained in section 242, vest in the owner of such premises on and from the thirtieth day of September 1905 ; and

(*b*) be maintained in good repair and efficient condition by such owner or by the occupier of such premises, and be from time to time flushed, cleansed and emptied by the Commissioner at the charge of the municipal fund.

New buildings not to be erected without drains.

234. (*1*) It shall not be lawful newly to erect any building, or to rebuild any building, or to occupy any building newly erected or rebuilt, unless and until—

(*a*) a drain be constructed of such size, materials and description, at such level and with such fall, as shall appear to the Commissioner to be necessary for the effectual drainage of such building ;

(*b*) there have been provided for and set up in such building and in the premises appurtenant thereto, all such appliances and fittings as may appear to the Commissioner to be necessary for the purposes of gathering and receiving the drainage from, and conveying the same off, the said building and the said premises, and of effectually flushing the drain of the said building and every fixture connected therewith.

(*2*) The drain to be constructed as aforesaid shall empty into a municipal drain or into some place legally set apart for the discharge of drainage, situated at a distance not exceeding one hundred feet from [a]the premises in which such building is situated ; [a] but if no such drain or place is within

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[a-a] These words were substituted for the original words by Bom. V of 1905, s. 22.

that distance, then such drain shall empty into such cesspool as the Commissioner directs.

Excrementitious matter not to be passed into cesspool.

235. No person shall, except with the permission of the Commissioner, pass or cause or permit to be passed any excrementitious matter into any cesspool made or used under section 232 or section 234, or into any drain communicating with any such cesspool.

Obligation of owners of drains to allow use thereof or joint ownership therein to others.

236. Every owner of a drain connected with a municipal drain [a]or other place legally set apart for the discharge of drainage[a] shall be bound to allow the use of it to others, or to admit other persons as joint owners thereof, on such terms as may be prescribed under section 238.

How right of use or joint ownership of a drain may be obtained by a person other than the owner.

237. Any person desiring to drain his premises into a municipal drain, through a drain of which he is not an owner, may make a private arrangement with the owner for permitting his use of the drain, or may apply to the Commissioner for authority to use such drain or to be declared joint owner thereof.

Commissioner may authorize person other than the owner of a drain to use the same or declare him to be a joint owner thereof.

238. (*1*) [b] Where the Commissioner is of opinion, whether on receipt of such application or otherwise, that the only, or the most convenient, means by which the owner or occupier of any premises can cause the drain of such premises to empty into a municipal drain or other place legally set apart for the discharge of drainage is through a drain communicating with such municipal drain or place aforesaid, but belonging to some person other than the said owner or occupier[b] the Commissioner, after giving the owner of the drain a reasonable opportunity of stating any objection thereto, may, with the approval of the standing committee, if no objection is raised or if any objection which is raised

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[a-a] These words were inserted by Bom. V of 1905, s. 14 (*1*).

[b-b] These words were substituted for the original words by Bom. V of 1905, s. 23 (*a*).

appears to him invalid or insufficient, by an order in writing, either authorize the [a] said owner or occupier [a] to use the drain or declare him to be a joint owner thereof, on such conditions as to the payment of rent or compensation and as to connecting the drain of the [a]said premises[a] with the [b]communicating drain [b] and as to the respective responsibilities of the parties for maintaining, repairing, flushing, cleaning and emptying the joint drain, or otherwise, as may appear to him equitable.

(*2*) Every such order bearing the signature of the Commissioner shall be a complete authority to the person in whose favour it is made, or to any agent or person employed by him for this purpose, after giving or tendering to the owner of the drain the compensation or rent specified in the said order and otherwise fulfilling, as far as possible, the conditions of the said order, and after giving to the owner of the drain reasonable written notice of his intention so to do, to enter upon the land in which the said drain is situate, with assistants and workmen, at any time between sunrise and sunset, and, subject to all provisions of this Act, to do all such things as may be necessary for—

(*a*) connecting the two drains; or

(*b*) renewing, repairing or altering the connection; or

(*c*) discharging any responsibility attaching to the person in whose favour the Commissioner's order is made for maintaining, repairing, flushing, cleaning or emptying the joint drain or any part thereof.

[a-a] These words were substituted for the original word by Bom. V of 1905, s. 23 (*b*) (*i*).

[b-b] These words were substituted for the original words by Bom. V of 1905, s. 23 (*b*) (*ii*).

(3) In respect of the execution of any work under sub-section (2), the person in whose favour the Commissioner's order is made shall be subject to the same restrictions and liabilities which are specified in sub-section (4) of section 230.

Sewage and rain-water drains to be distinct.

239. Whenever it is provided in this chapter that steps shall or may be taken for the effectual drainage of any premises, it shall competent to the Commissioner to require that there shall be one drain for sullage, excrementitious matter and polluted water and another and an entirely distinct drain for rain-water or unpolluted sub-soil water or for both rain-water and unpolluted sub-soil water, each emptying into separate municipal drains [a] or other places legally set apart for the discharge of drainage [a] or other suitable places.

Drains not to pass beneath buildings.

240. Except with the written permission of the Commissioner, and in conformity with such conditions as shall be prescribed by the standing committee, either generally or specially, in this behalf, no drain shall be so constructed as to pass beneath any part of a building.

Position of cesspools.

[b] **241.** No person shall construct a cesspool—

(*a*) beneath any part of any building, or within twenty feet of any lake, tank, reservoir, stream, spring or well; or

(*b*) upon any site or in any position which has not been approved in writing by the Commissioner.

Right of corporation to drains, &c., constructed, &c., at charge of municipal fund on premises not belonging to the corporation.

242. All drains, ventilation-shafts and pipes and all appliances and fittings connected with drainage-works constructed, erected or set up at the charge of the municipal fund upon premises not belonging to the corporation, whether before or

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[a—a] These words were inserted by Bom. V of 1905, s. 14 (*f*).

[b] Section 241 was substituted for the original section by Bom. V of 1905, s. 24.

after the passing of this Act, and [a] otherwise than for the sole use and benefit of the said premises [a], shall, unless the corporation has otherwise determined or shall at any time otherwise determine, vest, and be deemed to have always vested, in the corporation.

All drains and cesspools to be properly covered and ventilated.

243. (*1*) Every drain and cesspool, whether belonging to the corporation or to any other person, shall be provided with proper traps and coverings and with proper means of ventilation.

(*2*) The Commissioner may, by written notice, require the owner of any drain or cesspool not belonging to the corporation to provide and apply to the said drain or cesspool such trap and covering and such means of ventilation as would be provided and applied if such drain or cesspool belonged to the corporation.

Affixing of pipes for ventilation of drains, &c.

244. (*1*) For the purpose of ventilating any drain or cesspool, whether belonging to the corporation or to any other person, the Commissioner may erect upon any premises or affix to the outside of any building or to any tree any such shaft or pipe as shall appear to the Commissioner necessary [b] and cut through any projection from any building (including the eaves of any roof thereof) in order to carry up such shaft or pipe through any such projection; and lay in, through, or under any land, such appliances as may in the opinion of the Commissioner be necessary for connecting such ventilating shaft or pipe with the drain or cesspool intended to be ventilated: [b]

(*2*) Provided that any shaft or pipe so erected or affixed shall—

[a—a] These words were substituted for the original words by Bom. V of 1905, s. 25.

[b—b] These words were added by Bom. V of 1905, s. 26 (*a*).

(*a*) be carried at least fifteen [a] feet higher than any sky-light or window situated within a distance of forty [b] feet therefrom ;

(*b*) if the same be affixed to a wall supporting the eave of a roof, be carried at least five feet higher than such eave ;

(*c*) be erected or affixed so as to create the least practicable nuisance or inconvenience to the inhabitants of the neighbourhood ;

(*d*) be removed by the Commissioner to some other place, if at any time the owner of the premises, building or tree upon or to which the same has been erected or affixed is desirous of effecting any change in his property which either cannot be carried out, or cannot without unreasonable inconvenience be carried out, unless the shaft or pipe is removed.

(*3*) If the Commissioner declines to remove a shaft or pipe under clause (*d*), the owner of the premises, building or tree, upon or to which the same has been erected or affixed, may apply to the Chief Judge of the Small Cause Court ; and the said Chief Judge may, after such inquiry as he thinks fit to make, direct the Commissioner to remove the shaft or pipe, and it shall be incumbent on the Commissioner to obey such order.

[c] (*4*) Where the owner of any building or land cut through, opened or otherwise dealt with under sub-section (*1*) is not the owner of the drain or cesspool intended to be ventilated, the Commissioner shall, so far as is practicable, reinstate and make good such building, and fill in and make good such land, at the charge of the municipal fund. [c]

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[a] "Fifteen" was substituted for "ten" by Bom. V of 1905, s. 26 (*b*).

[b] "Forty" was substituted for "twenty" by Bom. V of 1905, s. 26 (*b*).

[c—c] Sub-section (*4*) of section 244 was added by Bom. V of 1905, s. 26 (*c*).

(Chap. IX.—Drains and Drainage-works. Secs. 245-246.)

Disposal of Sewage.

Appointment of places for emptying of drains and disposal of sewage.

245. The Commissioner may cause all or any municipal drains to empty into the sea or other place, whether within or without the city, and dispose of the sewage at any place, whether within or without the city, and in any manner, which he shall deem suitable for such purpose: Provided that—

(*a*) the Commissioner shall not cause any municipal drain to empty into any place into which a municipal drain has not heretofore emptied, or dispose of sewage at any place or in any manner at or in which sewage has not heretofore been disposed of, without the sanction of the corporation;

(*b*) any power conferred by this section shall be exercised in such manner as to create the least practicable nuisance;

(*c*) no municipal drain shall be made to empty into any place, and no sewage shall be disposed of at any place or in any manner which Government shall think fit to disallow.

Provision of means for disposal of sewage.

246. (*1*) For the purpose of receiving, storing, disinfecting, distributing or otherwise disposing of sewage, the Commissioner may, when authorized by the corporation in this behalf,—

(*a*) construct any work within or without the city;

(*b*) purchase or take on lease any land, building, engine, material or apparatus, either within or without the city;

(*c*) enter into an arrangement with any person, for any period not exceeding twenty years, for the removal or disposal of sewage [a] within or without the city.[a]

[a-a] These words were added by Bom. V of 1905, s. 27.

(*2*) Provided that any power conferred by this section shall be exercised in such manner as to cause the least practicable nuisance.

Water-closets, Privies, Urinals, &c.

Construction of water-closets and privies.

[a] **246A.** (*1*) It shall not be lawful to construct any water-closet or privy for any premises except with the written permission of the Commissioner and in accordance with such terms not being inconsistent with any by-law for the time being in force as he may prescribe.

(*2*) In prescribing any such terms the Commissioner may determine in each case—

(*a*) whether the premises shall be served by the water-closet or by the privy system, or partly by one and partly by the other; and

(*b*) what shall be the site or position of each water-closet or privy.

(*3*) If any water-closet or privy is constructed on any premises in contravention of sub-section (*1*), the Commissioner may, after giving not less than ten days' notice to the owner or occupier of such premises, close such water-closet or privy, and, with the previous approval of the standing committee, alter or demolish the same, and the expenses incurred by the Commissioner in so doing shall be paid by such owner or occupier or by the person offending.

Water-closet and other accommodation in buildings newly erected or re-erected.

[a] **247.** (*1*) It shall not be lawful newly to erect or to re-erect any building for or intended for human habitation, or at or in which labourers or workmen are to be employed, without such water-closet or privy accommodation, and such urinal accommodation, and accommodation for bathing or for the washing of clothes and domestic tensils, as the Commissioner may prescribe.

[a] Sections 246A, 247 and 248 were substituted for sections 247 and 248 by Bom. V of 1905, s. 28.

(*2*) In prescribing any such accommodation the Commissioner may determine in each case—

(*a*) whether such building shall be served by the water-closet or by the privy system, or partly by one and partly by the other;

(*b*) what shall be the site or position of each water-closet, privy, urinal, or bathing or washing place, and their number.

Where there is no such accommodation, or the accommodation is insufficient or objectionable.

[a] **248.** (*1*) Where any premises are without a water-closet, or privy, or urinal, or bathing or washing place, or if the Commissioner is of opinion that the existing water-closet, or privy, or urinal, or bathing or washing place, accommodation available for the persons occupying or employed in any premises is insufficient, inefficient, or on any sanitary grounds objectionable, the Commissioner may, with the previous approval of the standing committee, by written notice, require the owner of such premises—

(*a*) to provide such, or such additional, water-closet, privy, urinal, or bathing or washing place, accommodation as he prescribes;

(*b*) to make such structural or other alterations in the existing water-closet, privy, urinal, or bathing or washing place, accommodation as he prescribes; or

(*c*) to substitute water-closet accommodation for any privy accommodation.

(*2*) Provided that where the water-closet, privy, urinal, or bathing or washing place, accommodation of any premises—

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[a] Sections 246A, 247 and 248 were substituted for sections 247 and 248 by Bom. V of 1905, s. 28.

(*a*) has been, and is being, used in common by the persons occupying or employed in such premises and any one or more other premises, or

(*b*) is in the opinion of the Commissioner likely to be so used,

the Commissioner may, if he is of opinion that such accommodation is sufficient to admit of the same being used by all the persons occupying or employed in all such premises, direct in writing that separate water-closet, privy, urinal, or bathing or washing place, accommodation need not be provided on or for each of such other premises.

(*3*) Provided also that the Commissioner may, if he is of opinion that there is sufficient municipal latrine accommodation available for all the persons occupying or employed in any premises, direct that separate water-closet, privy or urinal accommodation need not be provided for such premises.

(*4*) Any requisition under sub-section (*1*) may comprise any detail specified in sub-section (*2*) of section 247.

Power to require privy accommodation to be provided for factories, &c.

249. Where it appears to the Commissioner that any premises are, or are intended to be, used as a market, railway station, dock, wharf or other place of public resort, or as a place in which persons exceeding twenty in number are employed in any manufacture, trade or business or as workmen or labourers, the Commissioner may, by written notice, require the owner or occupier of the said premises to construct a sufficient number of water-closets or latrines or privies and urinals for the separate use of each sex.

Power of Commissioner as to un-

[a] **249A.** Where the Commissioner is of opinion that any privy is likely, by reason of its not being

[a] Section 249A was inserted by Bom. V of 1905, s. 29.

sufficiently detached from any building, to cause injury to the health of any person occupying such building, the Commissioner, with the previous approval of the standing committee, may, by written notice, require the owner or occupier of the premises in or on which such privy is situate either, unhealthy privies.

(*a*) to so close up such privy as to prevent any person using the same, and to provide in lieu thereof such water-closet or privy accommodation or such urinal accommodation as the Commissioner may prescribe, or

(*b*) to provide between the said privy and any portion of the said building such air-space, not exceeding three feet in width, open to the sky, and situate entirely within the limits of the said premises as the Commissioner may prescribe.

250. (*1*) The owner or occupier of any premises on which there is a privy shall Provisions as to privies.

(*a*) have between such privy and any building or place used or intended to be used for human habitation, or in which any person may be or may be intended to be employed in any manufacture, trade or business, an air-space of at least three feet in width and open to the sky;

(*b*) have such privy shut off by a sufficient roof and wall, or fence, from the view of persons dwelling in the neighbourhood or passing by;

(*c*) unless and except for such period as he shall be permitted by the Commissioner, under the power next hereinafter conferred,

to continue any existing door or trap-door, close up and not keep any door or trap-door in such privy opening on to a street.

(2) Provided that the Commissioner may permit the continuance for such period as he may think fit of any existing door or trap-door in a privy opening on to a street, if a nuisance is not thereby created.

(3) Provided also that clause (*a*) shall not be deemed to apply to any privy in existence when this Act comes into force, unless—

(*d*) there is space available on the premises of the owner or occupier for the erection of a new privy conformably to the said clause; and

(*e*) the existing privy can be removed and a new one erected as aforesaid without destroying any portion of a permanent building other than the existing privy.

Provisions as to water-closets.

251. The owner or occupier of any premises on which there is a water-closet shall—

(*a*) have such water-closet divided off from any part of a building or place used or intended to be used for human habitation, or in which any person may be or may be intended to be employed in any manufacture, trade or business, by such means as the Commissioner shall deem sufficient;

(*b*) have such water-closet in such a position that one of its sides at the least shall be an external wall;

(*c*) have the seat of such water-closet placed against an external wall;

(*d*) cause such water-closet to be provided with such means of constant ventilation as the Commissioner shall deem adequate, by a window or other aperture in one of the walls of such water-closet opening directly into the external air, or by an air-shaft or by some other suitable method or appliance;

(*e*) have such water-closet supplied by a supply-cistern and flushing apparatus and fitted with a soil-pan or receiver and such other appliances of such materials, size and description as the Commissioner shall deem necessary: provided always that a cistern from which a water-closet is supplied shall not be used, or be connected with another cistern which is used, for supplying water for any other purpose.

[a] **251A.** No person shall build a privy or water-closet in such a position or manner as— Position of privies and water-closets.

(*a*) to be directly over or directly under any room or part of a building other than another privy or water-closet or a bathing place, bath-room or terrace;

(*b*) to be within a distance of twenty feet from any well or from any spring, tank or stream the water whereof is, or is likely to be, used (whether in a natural or manufactured state) for human consumption or domestic purposes, or otherwise render the water of any well, spring, tank or stream liable to pollution.

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[a] Section 251A was inserted by Bom. V of 1905, s. 30.

Use of places for bathing, or washing clothes or domestic utensils.

[a] **251B.** No person shall use or permit to be used as a bathing place, or as a place for washing clothes or domestic utensils, any part of any premises which has not been provided with all such appliances and fittings as shall, in the opinion of the Commissioner, be necessary for collecting the drainage thereof and conveying the same therefrom.

Public necessaries.

252. The Commissioner shall provide and maintain, in proper and convenient situations and on sites vesting in the corporation, water-closets, latrines, privies and urinals and other similar conveniences for public accommodation.

Inspection.

Drains, &c., not belonging to the corporation to be subject to inspection and examination.

253. All drains, ventilation-shafts and pipes, cesspools, house-gullies, water-closets, privies, latrines and urinals [b] and bathing and washing places [b] which do not belong to the corporation, or which have been constructed, erected or set up at the charge of the municipal fund on premises not belonging to the corporation, for the use or benefit of the owner or occupier of the said premises, shall be open to inspection and examination by the Commissioner.

Power to open ground, &c., for purposes of such inspection and examination.

254. For the purpose of such inspection and examination, the Commissioner may cause the ground or any portion of any drain or other work exterior to a building, or, with the approval of the standing committee, any portion of a building, which he shall think fit, to be opened, broken up or removed: provided that in the prosecution of any such inspection and examination as little damage as can be shall be done.

When the expenses of inspection and examination are to be paid by the Commissioner.

255. If upon any such inspection and examination as aforesaid it shall be found that the drain,

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[a] Section 251B was inserted by Bom. V of 1905, s. 31.

[b—b] These words were inserted by Bom. V of 1905, s. 32 (*1*).

ventilation-shaft or pipe, cesspool, house-gully, water-closet, privy, latrine or urinal [a] or bathing or washing place [a] examined is in proper order and condition, and that none of the provisions of this chapter has been contravened in respect of the construction or maintenance thereof, and that no encroachment has been made thereupon, the ground or portion of any building, drain or other work, if any, opened, broken up or removed for the purpose of such inspection and examination shall be filled in, reinstated and made good by the Commissioner.

When the expenses of inspection and examination are to be paid by the owner.

256. But if it shall be found that any drain, ventilation-shaft or pipe, cesspool, house-gully, water-closet, privy, latrine or urinal [a] or bathing or washing place [a] so examined is not in good order or condition, or has been repaired, changed, altered or encroached upon, or, except when the same has been constructed by or under the order of the Commissioner, if it has been constructed in contravention of any of the provisions of this chapter or of any enactment at the time in force,

the expenses of the inspection and examination shall be paid by the owner of the premises, and the said owner shall fill in, reinstate and make good the ground, or portion of any building, drain or other work opened, broken up or removed for the purpose of such inspection and examination, at his own cost.

Commissioner may require repairs, etc., to be made.

[b] **257.** (*1*) When the result of such inspection and examination as aforesaid is as described in section 256, the Commissioner may

(*a*) by written notice require the owner of the premises or the several owners of the respective premises in which the drain, ventilation-shaft or pipe, cesspool, house-gully, water-closet, privy, latrine, urinal

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[a—a] These words were inserted by Bom. V of 1905, s. 32 (*2*).

[b] Section 257 was substituted for the original section by Bom. V of 1905, s. 33.

or bathing or washing place is situate, or for the benefit of which the same has been constructed, erected or set up,

(*i*) to close or remove the same or any encroachment thereupon, or

(*ii*) to renew, repair, cover, recover, trap, ventilate, pave and pitch or take such other order with the same as he shall think fit to direct and to fill in, reinstate and make good the ground, building or thing opened, broken up or removed for the purpose of such inspection and examination, and

(*b*) without notice, close, fill up or demolish any drain by which sullage or sewage is carried through, from, into or upon any premises in contravention of any of the provisions of this chapter, and the expenses incurred by the Commissioner in so doing shall be paid by such owner or owners.

(*2*) Any requisition under clause (*a*) of sub-section (*1*) in respect of any drain which has been constructed, erected or set up, or which is continued for the sole use and benefit of a property or for the exclusive use and benefit of two or more properties, may include any extension thereof beyond such property or properties, if and so far as such extension has been constructed, erected or set up, or is continued, for the sole use and benefit of such property or properties.

Costs of inspection and execution of works in certain cases.

[a] **257A.** In the case of any drain which has been constructed, erected or fixed, or which is continued, for the exclusive use and benefit of two or more premises and which is not

(*a*) a drain constructed under section 232A, sub-section (*1*), or

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[a] Section 257A was inserted by Bom. V of 190 , s. 34.

(*b*) a drain in respect of which conditions as to the respective responsibilities of the parties have been declared under section 238, sub-section (*1*),

the expenses of any inspection and examination made by the Commissioner under section 253 and of the execution of any work required under section 257, whether executed under section 260 or not, shall be paid by the owners of such premises, in such proportions, as shall be determined

(*i*) by the standing committee if the aggregate amount of such expenses exceeds one hundred rupees, or

(*ii*) by the Commissioner if the aggregate amount of such expenses does not exceed one hundred rupees.

General Provisions.

258. No person shall—

Prohibition of acts contravening the provisions of this chapter or done without sanction.

(*a*) in contravention of any of the provisions of this chapter or of any notice issued or direction given under this chapter, or without the written permission of the Commissioner, in any way alter the fixing, disposition or position of, or construct, erect, set up, renew, rebuild, remove, obstruct, stop up, destroy or change, any drain, ventilation-shaft or pipe, cesspool, water-closet, privy, latrine or urinal [a] or bathing or washing place, [a] or any trap, covering or other fitting or appliance connected therewith ;

(*b*) without the written permission of the Commissioner, renew, rebuild or unstop any drain, ventilation-shaft or pipe, cesspool,

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[a—a] These words were inserted by Bom. V of 1905, s. 32 (*2*).

water-closet, privy, latrine or urinal [a] or bathing or washing place, [a] or any fitting or appliance, which has been, or has been ordered to be, discontinued, demolished or stopped up under any of the provisions of this chapter;

(*c*) without the written permission of the Commissioner, make any encroachment upon, or in any way injure or cause or permit to be injured, any drain, cesspool, house-gully, water-closet, privy, latrine or urinal [a] or bathing or washing place; [a]

(*d*) drop, pass or place, or cause or permit to be dropped, passed or placed, into or in any drain, any brick, stone, earth, ashes, or any substance or matter by which or by reason of the amount of which such drain is likely to be obstructed;

(*e*) pass, or permit or cause to be passed, into any drain provided for a particular purpose, any matter or liquid for the conveyance of which such drain has not been provided;

(*f*) cause or suffer to be discharged into any drain from any factory, bake-house, distillery, workshop or workplace, or from any building or place in which steam, water or mechanical power is employed, any hot water, steam, fumes or any liquid which would prejudicially affect the drain or the disposal by sale or otherwise of the sewage conveyed along the drain, or which would, from its temperature or otherwise, be likely to create a nuisance.

[a—a] These words were inserted by Bom. V of 1905, s. 32 (*2*).

(Chap. IX.—Drains and Drainage-works. Secs. 259-259A.)

When materials and work may be supplied and done under this chapter for any person by the Commissioner.

259. (*1*) On the written request of any person who is required under any of the provisions of this chapter to supply any materials or fittings or to do any work, the Commissioner may, in such person's behalf, supply the necessary materials or fittings, or cause the necessary work to be done; but he shall not do so in any case to which the provisions of section 493 or 495 will not apply, unless a deposit is first of all made by the said person of a sum which will, in the opinion of the Commissioner, suffice to cover the cost of the said materials, fittings and work.

(*2*) [*Repealed by Bom. V of 1905.*]

Work to be done by licensed plumber: permission to use as drain.

[a] **259A.** (*1*) No person shall permit any work described in this chapter to be executed except by a licensed plumber.

(*2*) Every person who employs a licensed plumber to execute any such work shall, when so required, furnish to the Commissioner the name of such plumber.

(*3*) Every such person shall, within one month after completion of any such work and before permitting the same or any portion thereof to be filled in or covered over, deliver or send or cause to be delivered or sent to the Commissioner at his office, notice in writing of the completion of such work, accompanied by a certificate in the form of Schedule S signed by the licensed plumber by whom the same has been executed, who is hereby required immediately upon completion of the work and upon demand by the person employing him to sign and give such certificate to such person, and shall give to the Commissioner all necessary facilities for the inspection of such works:

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[a]. Section 259A was inserted by Bom. V of 1905, s. 36.

provided that

(*a*) such inspection shall be made within seven days from the date of receipt of the notice of completion, and

(*b*) the Commissioner may, within seven days after such inspection by written intimation addressed to the person from whom the notice of completion was received and delivered at his address as stated in such notice, or, in the absence of such address, affixed to a conspicuous part of the premises in which such work has been executed

(*i*) give permission for the filling in or covering over of such work, or

(*ii*) require that before such work is filled in or covered over, it shall be amended to the satisfaction of the Commissioner in any particular in respect of which it is not in accord with a requisition previously made by the Commissioner or contravenes some provision of this Act or of the by-laws under this Act.

(*4*) No person shall permit any such work to be used as a drain or part of a drain until

(*a*) the permission referred to in proviso (*b*) to sub-section (*3*) has been received, or

(*b*) the Commissioner has failed for fourteen days after receipt of the notice of completion to intimate as aforesaid his refusal of permission for the filling in or covering over of such work.

Commissioner may execute certain works under this

260. (*1*) The Commissioner may, if he thinks fit, cause any work described in [a] this chapter [a]

[a-a] These words were substituted for the original words by Bom. V of 1905, s. 37.

to be executed by municipal or other agency under his own orders, without first of all giving the person by whom the same would otherwise have to be executed the option of doing the same.

chapter without allowing option to persons concerned of executing the same.

(*2*) The expenses of any work so done shall be paid by the person aforesaid, unless the corporation shall, by a general or special order or resolution, sanction, as they are hereby empowered to sanction, the execution of such work at the charge of the municipal fund.

Expenses in such cases by whom to be paid.

CHAPTER X.

WATER-SUPPLY.

Construction and Maintenance of Municipal Water-works.

261. For the purpose of providing the city with a supply of water proper and sufficient for public and private purposes, the Commissioner, when authorized by the corporation in this behalf, may—

General powers for supplying the city with water.

(*a*) construct and maintain water-works, either within or without the city, and do any other necessary acts;

(*b*) purchase or take on lease any water-work or any water or right to store or to take and convey water, either within or without the city;

(*c*) enter into an arrangement with any person for a supply of water.

262. The Commissioner shall manage all water-works belonging to the corporation—all which water-works are in this Act referred to as "municipal water-works"—and maintain the same in good repair and efficient condition, and shall cause all

Municipal water-works to be managed and kept in repair by the Commissioner.

such alterations and extensions to be from time to time made in the said water-works as shall be necessary or expedient for improving the said works.

Power of access to municipal water-works.

263. (*1*) The Commissioner, and any person appointed by Government under section 264 in this behalf, may, for the purpose of inspecting or repairing or executing any work in, upon or in connection with any municipal water-work, at all reasonable times—

(*a*) enter upon and pass through any land, within or without the city, adjacent to or in the vicinity of such water-work, in whomsoever such land may vest;

(*b*) convey into and through any such land all necessary materials, tools and implements.

(*2*) In the exercise of any power conferred by this section, as little damage as can be shall be done, and compensation for any damage which may be done in the exercise of any of the said powers shall be paid by the Commissioner, or, if any person appointed under section 264 by Government has caused the damage, by Government.

Inspection of municipal water-works by persons appointed by Government.

264. Any person appointed by Government in this behalf shall at all reasonable times have liberty to enter upon and inspect any municipal water-work.

Power of carrying water-mains, &c.

265. The Commissioner shall have the same powers and be subject to the same restrictions for carrying, renewing and repairing water-mains, pipes and ducts within or without the city, as he has and is subject to under the provisions hereinbefore contained for carrying, renewing and repairing drains within the city.

Fire-hydrants to be provided.

266. The Commissioner shall cause fire-hydrants and all necessary works, machinery and assistance for supplying water in case of fire to be provided

and maintained; and shall have painted or marked on the buildings and walls or in some other conspicuous manner, within the streets, words or marks near to such hydrants to denote the situation thereof, and shall cause a hydrant-key to be deposited at each place within the city where a municipal fire-engine is kept, and do such other things for the purpose aforesaid as he shall deem expedient.

Prohibition of building and other acts which would injure sources of water-supply.

267. (*1*) Except with the sanction of the corporation and, in the case of the Vehár water-works, of Government, or, for the purposes of section 262, under the authority of the Commissioner, no person shall—

(*a*) erect any building for any purpose whatever within the limits of the water-shed of any lake or reservoir from which a supply of water is derived for any municipal water-work;

(*b*) extend, alter or apply to any purpose different to that to which the same has been heretofore applied, any building already existing within the said limits;

(*c*) carry on, within the said limits, any operation of manufacture, trade or agriculture in any manner, or do any act whatsoever, whereby injury may arise to any such lake or reservoir or to any portion thereof, or whereby the water of any such lake, tank or reservoir may be fouled or rendered less wholesome.

(*2*) The limits of the water-shed of the Vehár lake shall, for the purposes of this section, be deemed to be the limits defined in a plan marked "B," authenticated by the signatures of the Governor and Members of Council, and deposited in the office of the Secretary to the Government of Bombay.

Buildings, &c., not to be erected over municipal water-main without permission.

268. (*1*) Without the written permission of the Commissioner, no building, wall or other structure shall be newly erected, and no street or railway shall be constructed, over any municipal water-main.

(*2*) If any building, wall or other structure be so erected, or any street or railway be so constructed, the Commissioner may, with the approval of the standing committee, cause the same to be removed or otherwise dealt with as to him shall appear fit, and the expenses thereby incurred shall be paid by the person offending.

Public gratuitous Water-supply.

Vesting of public drinking-fountains, &c., in the corporation.

269. (*1*) All existing public drinking-fountains, tanks, reservoirs, cisterns, pumps, wells, ducts and works for the supply of water for the gratuitous use of the inhabitants of the city shall vest in the corporation and be under the control of the Commissioner.

(*2*) The Commissioner may maintain the said works and provide them with water, and, when authorized by the corporation in this behalf, may construct any other such works for supplying water for the gratuitous use of the inhabitants of the city :

(*3*) Provided that water carried away by any of the inhabitants from any such work shall be taken only for his private use and not for sale, and shall not, except with the written permission of the Commissioner, be carried away in a cask, cart, pakhál or masak.

(*4*) The Commissioner may temporarily, and with the approval of the corporation permanently, close any of the said works, either entirely or partially.

(*5*) In case any such work is permanently closed, either entirely or partially, by the Commissioner, the site thereof, or of the portion thereof which is

so closed, and the materials of the same may be disposed of as the property of the corporation: provided that if any such work, which is permanently closed, either entirely or partially, was a gift to the public by some private person, the said site and materials or the proceeds of the sale thereof shall, unless by reason of their value being insignificant or for other sufficient reason the corporation think fit to otherwise direct, be applied to or towards some local work of public utility bearing the name of such person, or to or towards any such local work which shall be approved by the corporation and by the heirs or other representatives, if any, of the said person.

Public drinking-fountains, &c., may be set apart for particular purposes.

270. (*1*) The Commissioner may assign and set apart each of the said works and the water therein for use by the public for such purpose only as he shall think fit, and shall cause to be indicated, by a notice affixed on a conspicuous spot on or near each such work, the purpose for which the same is so assigned and set apart.

(*2*) No person shall make use of any such work or of any water therein for any purpose other than the purpose for which the same has been so assigned or set apart.

Private Water-supply.

Applications for private water-supply from whom to be received.

271. (*1*) Communication-pipes for conveying to any premises a private supply of water from a water-main or other municipal water-work shall not ordinarily be connected with the main or other water-work except on the written application or with the written assent of the owner of the premises, or of the person primarily liable for the payment of property-taxes on the said premises.

Commissioner may in certain cases require owners to obtain private water-supply.

(*2*) But if it shall appear to the Commissioner that any premises, situate within any portion of the city in which a public notice has been given by the

Commissioner under clause (*b*) of section 141, are without a proper supply of pure water, the Commissioner shall, by written notice, require the owner of the said premises, or the person primarily liable for the payment of property-taxes thereon, to obtain a supply from a municipal water-work adequate to the requirements of the persons usually occupying or employed upon the said premises, and to provide communication-pipes and do all such works as may be necessary for that purpose.

Making and renewing connections with municipal water-works.

[a] **272.** (1) No connection with any municipal water-work shall be made or renewed

(*a*) except by a municipal officer or servant empowered in that behalf by the Commissioner; and

(*b*) until the certificate specified in sub-section (*4*) has been given.

(*2*) In every case where a new connection with a municipal water-work is made or an existing connection requires renewal, all necessary communication-pipes and fittings, from and including the ferrule on the supply main up to and including the stop-cock nearest the supply main, shall be supplied by the Commissioner, and the work of laying and applying such communication-pipes and fittings shall be executed by municipal agency under the Commissioner's orders; but the cost of making or renewing any such connection, and of all communication-pipes and fittings so supplied, and of all work so executed, shall be paid by the person on whose application or for whose premises the connection is made or renewed.

(*3*) Every such new connection or renewed connection with its communication-pipes and fittings up to and including its stop-cock as aforesaid shall thereafter vest in the corporation and be maintained

[a] Sections 272, 273 and 273A were substituted for sections 272 and 273 by Bom. V of 1905, s. 38.

at the charge of the municipal fund as a municipal water-work.

(*4*) All communication-pipes and fittings beyond the said stop-cock shall be laid and applied under the supervision of a municipal officer appointed by the Commissioner in that behalf, who shall give and sign a certificate, free of charge, when such communication-pipes and all necessary fittings and work have been laid, applied and executed in a satisfactory manner and when proper and sufficient arrangements have been made for draining off waste water.

(*5*) Where any communication-pipe or fitting is laid, applied, added to or altered, or any connection is made in contravention of this section, the Commissioner may, with the previous approval of the standing committee, remove such communication-pipe, fitting or connection, and make good such water-work; and the expenses incurred by him in so doing shall be paid by the owner or occupier of the premises in which or for supply to which such communication-pipe or fitting has been laid, applied, added to or altered, or such connection has been made, or by the person offending.

Commissioner may take charge of private connections.

[a]**273.** The Commissioner may, if he thinks fit, take charge on behalf of the corporation of all communication-pipes and fittings of any existing private service connected with any municipal water-work up to and including the stop-cock nearest the supply main for the said service, and the same shall thereafter vest in, and be maintained at the expense of, the corporation as a municipal water-work.

Power of Commissioner to alter position of connections.

[a]**273A.** The Commissioner may, if at any time he deems it expedient to alter the position of an existing connection with any municipal water-work, or of the communication-pipes or fittings thereof, and

[a] Sections 272, 273 and 273A were substituted for sections 272 and 273 by Bom. V of 1905, s. 38.

after giving to the owner of such communication-pipes or fittings not less than four days' previous notice of his intention so to do, cause the said connection to be moved to such other position as he thinks fit, and cause any or all of the said communication-pipes and fittings to be relaid and applied, or others to be laid and applied, in lieu thereof, in such position as he may direct; and in every such case such removal and alteration shall be carried out at the expense of the municipal fund and the new connection, with its communication-pipes and fittings up to and including the stop-cock nearest the supply main, shall thereafter vest in the corporation and be maintained at the charge of the municipal fund as a municipal water-work.

Provisions as to storage-cisterns and other fittings, &c., to be used for connections with water-works.

274. (*1*) The Commissioner may, whenever it shall appear to him to be necessary, by written notice require that any premises furnished with a private water-supply from any municipal water-work shall, within a reasonable period, which shall be prescribed in the said notice, be provided with a storage-cistern of such size, material, quality and description, and with such fittings and placed in such position as he thinks fit.

(*2*) The Commissioner shall also from time to time prescribe the size, material, quality, description and position of the pipes, taps, cocks and other fittings to be employed for the purposes of any connection with, or of any communication from, any municipal water-work, and no such connection or communication shall be made by any person otherwise than as so prescribed.

Communication-pipes, &c., to be kept in efficient repair by owner or occupier of premises.

275. It shall be incumbent on the owner or occupier of any premises to which a private water-supply is furnished from any municipal water-work, to keep in efficient repair every pipe conveying water from the said water-work to such premises and every

meter for measuring water, not being a municipal meter, and every tap, cock or other fitting and every storage-cistern in or connected with any such pipe, so as effectually to prevent the water from running to waste.

Provision of meters when water is supplied by measurement

276. (*1*) Where water is supplied by measurement, the Commissioner may either provide a meter and charge the consumer for the same such rent as shall from time to time be prescribed in this behalf by the standing committee, or may permit the consumer to provide a meter of his own of such size, material and description as the Commissioner shall approve for this purpose.

(*2*) The Commissioner shall at all times keep all meters and other instruments for measuring water, let by him for hire to any person, in proper order for correctly registering the supply of water, and in default of his so doing such person shall not be liable to pay rent for the same during such time as such default continues.

Register of meter to be evidence.

277. Where water is supplied by measurement, the register of the meter or other instrument for measuring water shall be *primâ facie* evidence of the quantity consumed.

Inspection.

Commissioner, &c., may inspect premises in order to examine meter, communication-pipes, &c.

278. (*1*) The Commissioner may make an inspection of any premises to which a private water-supply is furnished by the corporation, in order—

(*a*) to remove, test, examine and replace any meter for measuring water; or

(*b*) to examine the communication-pipes and the taps, cocks and other fittings thereof, and the storage-cisterns connected therewith; or

(*c*) to see if there be any waste or misuse of water.

(*2*) The Commissioner may, by written notice, require the owner or occupier of the premises to remedy any defect which shall be found to exist in any such meter, not being a municipal meter let to him for hire, or in any such communication-pipe, tap, cock or other fitting or cistern.

Cutting off private Water-supply.

Power to cut off private water-supply or to turn off water.

279. (*1*) The Commissioner may, with the sanction of the standing committee, cut off the connection between any municipal water-work and any premises to which a private water-supply is furnished by the corporation or turn off the water from such premises in any of the following cases, namely :—

(*a*) in default of payment of any instalment of water-tax or of any sum due for water within fifteen days after a bill for such tax or sum has been duly presented ;

(*b*) if the owner or occupier of the premises neglects, within the period prescribed in this behalf in any notice given under sub-section (*1*) of section 274, to comply with any requisition made to him by the Commissioner regarding the provision of a storage-cistern ;

(*c*) if the owner or occupier of the premises fails, within the period prescribed in this behalf in any notice given under sub-section (*2*) of section 278, to put any such cistern or any pipe conveying water from any municipal water-work or any tap, cock or other fitting thereof into good repair, so as effectually to prevent the water from running to waste ;

(*d*) if, after receipt of a written notice from the Commissioner requiring him to refrain from so doing, the owner or occupier of the premises continues—

(*i*) to use the water, or to permit the same to be used, in contravention of any by-law made under this Act or of any condition prescribed under sub-section (*2*) of section 169;

(*ii*) when payment for the water is not made by measurement, to permit any person not residing on premises in respect of which water-tax is paid to carry away from such owner's or occupier's premises water derived from the municipal water-work;

(*e*) if the owner or occupier of the premises wilfully or negligently injures or damages his meter or any pipe conveying water from any municipal water-work.

(*2*) The expense of cutting off the connection or of turning off the water in any such case as aforesaid shall be paid by the owner or occupier of the premises.

Conditions as to use of water not to be contravened.

280. No person to whom water is supplied by measurement or on payment of a fixed periodical sum, shall contravene any condition prescribed under sub-section (*2*) of section 169 for the use of such water, or permit any such condition to be contravened.

Water-pipes, &c., not to be placed where water will be polluted.

281. No water-pipe shall be laid in a drain, or on the surface of an open channel or house-gully, or within twenty feet of a cesspool, or in any position where the pipe is likely to be injured or the water therein polluted; and no well or tank, and except with the consent of the Commissioner

no cistern, shall be constructed within twenty feet of a [a] privy, water-closet or [a] cesspool.

Prohibition of fraudulent and unauthorized use of water.

282. (*1*) No person shall fraudulently dispose of any water supplied to him by the corporation.

(*2*) No person to whom a private supply of water is furnished by the corporation shall, except when the water supplied is charged for by measurement, permit any person who does not reside on premises in respect of which water-tax is paid to carry away water from the premises to which it is supplied.

(*3*) No person, who does not reside on premises in respect of which water-tax is paid, shall carry away water from any premises to which a private supply is furnished by the corporation, unless, in any case in which such supply is charged for by measurement, he does so with the permission of the person to whom such supply is furnished.

Prohibition of fraud in respect of meters.

283 (*1*) No person shall fraudulently—

(*a*) alter the index to any meter or prevent any meter from duly registering the quantity of water supplied;

(*b*) abstract or use water before it has been registered by a meter set up for the purpose of measuring the same.

(*2*) The existence of artificial means under the control of the consumer for causing any such alteration, prevention, abstraction or use shall be evidence that the consumer has fraudulently effected the same.

General Provisions.

Prohibition of wilful or neglectful acts relating to water-works.

284. No person shall wilfully or negligently—

[a-a] These words were inserted by Bom. V of 1905, s. 39.

(*a*) injure or suffer to be injured any meter belonging to the corporation or any of the fittings of any such meter;

(*b*) break, injure or open any lock, cock, valve, pipe, work or engine appertaining to any municipal water-work;

(*c*) flush or draw off the water from any such water-work, thereby causing such water to be wasted;

(*d*) do any act whereby the water in or derived from any municipal water-work shall be wasted;

(*e*) obstruct, divert or in any way injure or alter any water-main or duct.

Compensation to be payable by offenders against section 283 or 284.

285. Compensation shall be paid by the offender for any damage which the corporation sustains by reason of any contravention of section 283 or section 284.

Occupier of premises to be primarily liable for certain offences against this chapter.

286. If it shall be shown that an offence against some provision of this chapter or against some by-law made under this Act at the time in force relating to water-supply has occurred on any premises to which a private supply of water is furnished by the corporation, it shall be presumed, until the contrary is proved, that such offence has been committed by the occupier of the said premises.

When materials and work may be supplied and done under this chapter for any person by the Commissioner.

287. (*1*) On the written request of any person who is required under any of the provisions of this chapter to supply any materials or fittings or to do any work, the Commissioner may, in such person's behalf, supply the necessary materials or fittings, or cause the necessary work to be done; but he shall not do so in any case to which the provisions of section 493 or 495 will not apply, unless a deposit is first of all made by the said person of a sum which will, in the opinion of the Commissioner, suffice to

cover the cost of the said materials, fittings and work.

(*2*) [a]No person shall [a] permit any work, which he [b] is required to do under any of the provisions of this chapter, to be done except through the agency of a licensed plumber, and any person who causes or allows communication-pipes, or any fittings or work necessary for conveying a private supply of water from a municipal water-work into any premises, to be laid, applied or executed by any person other than a licensed plumber, shall not be entitled to demand a connection with the municipal water-work.

Commissioner may execute works under this chapter without allowing option to persons concerned of executing the same.

[c]**287A.** (*1*) The Commissioner may, if he thinks fit, cause any work described in this chapter to be executed by municipal or other agency under his own orders, without first of all giving the person by whom the same would otherwise have to be executed the option of doing the same.

(*2*) The expenses of any work so done shall be paid by the person aforesaid, unless the corporation shall, by a general or special order or resolution, sanction, as they are hereby empowered to sanction, the execution of such work at the charge of the municipal fund.

Power to supply water without the city.

288. The Commissioner may supply water from a municipal water-work to any local authority or person without the city on such terms as to payment and as to the period and conditions of supply as shall be, either generally or specially, approved by the corporation.

[a-a] These words were substituted for the original words by Bom. V of 1905, s. 40 (*a*).

[b] The word "he" was substituted for the words "any person" by Bom. V of 1905, s. 40 (*b*).

[c] Section 287A was inserted by Bom. V of 1905, s. 41.

CHAPTER XI.

REGULATION OF STREETS.

Construction, Maintenance and Improvement of Public Streets.

289. (*1*) All streets within the city, being or which at any time become public streets, and the pavements, stones and other materials thereof, shall vest in the corporation and be under the control of the Commissioner. Vesting of public streets in the corporation.

(*2*) The Commissioner shall from time to time cause all such streets to be levelled, metalled or paved, channelled, altered and repaired, as occasion shall require; he may also from time to time widen, extend or otherwise improve any such street or cause the soil thereof to be raised, lowered or altered, and may place and keep in repair fences and posts for the safety of foot-passengers: provided that no widening, extension or other improvement of a public street, the aggregate cost of which will exceed five thousand rupees, shall be undertaken by the Commissioner unless or until such undertaking has been authorized by the corporation. Powers of Commissioner in respect of public streets.

(*3*) With the sanction of the corporation, the Commissioner may permanently close the whole or any part of a public street: provided that such sanction of the corporation shall not be given unless, one month at least before the meeting at which the matter is decided, a notice signed by the Commissioner has been put up in the street or part of a street which it is proposed to close, informing the residents of the said proposal, nor until the objections to the said proposal, if any, made in writing at any time before the day of the said meeting, have been received and considered by the corporation.

290. Whenever any public street, or part of a public street, is permanently closed under section Disposal of land forming site of closed streets.

289, the site of such street, or of the portion thereof which has been closed, may be disposed of as land vesting in the corporation.

Power to make new public streets.

291. The Commissioner, when authorized by the corporation in this behalf, may at any time—

(*a*) lay out and make a new public street;

(*b*) agree with any person for the making of a street for public use through the land of such person, either entirely at the expense of such person or partly at the expense of such person and partly at the expense of the corporation, and that such street shall become, on completion, a public street.

Saving of provisions of sections 37 and 38, Bombay Act VI of 1879.

292. Nothing in sub-sections (*1*) and (*3*) of section 289 or in the two last preceding sections shall be deemed to affect the provisions of sections 37 and 38 of the Bombay Port Trust Act, 1879. Bom. VI of 1879.

Permission to lay tramways or railways on public streets to need the sanction of the corporation and confirmation by Government.

293. (*1*) Permission shall not be granted to any person to lay or work upon any public street any tramway or railway or the like, by any municipal authority other than the corporation, and no such permission shall have validity unless and until it is confirmed by Government.

(*2*) Nothing in this section shall be deemed to affect the provisions of the Bombay Tramways Act, 1874. Bom. I of 1874.

Minimum width of new public streets.

294. No new public street made under section 291 shall be less than forty feet in width if such street be made for carriage traffic, or twenty feet if such street be made for foot traffic only; and no steps and, except with the written permission of the Commissioner under section 310, no other projection shall extend on to any such street.

Power to construct or adopt public bridges, &c., over or under railways, &c.

295. The Commissioner, when authorized by the corporation in this behalf, may agree—

(*a*) with any person to adopt and maintain any existing or projected bridge, viaduct or arch, and the approaches thereto, and may accordingly adopt and maintain such bridge, viaduct or arch and approaches as parts of public streets, or as property vesting in the corporation; or

(*b*) for the construction or alteration of any such bridge, viaduct or arch or for the purchase or acquisition of any adjoining land required for the foundation and support thereof or for the approaches thereto, either entirely at the expense of such person or partly at the expense of such person and partly at the expense of the corporation.

Power to acquire premises for improvement of public streets.

296. (*1*) The Commissioner may, subject to the provisions of sections 90, 91 and 92—

(*a*) acquire any land required for the purpose of opening, widening, extending or otherwise improving any public street or of making any new public street, and the buildings, if any, standing upon such land;

(*b*) acquire, in addition to the said land and the buildings, if any, standing thereupon, all such land, with the buildings, if any, standing thereupon, as it shall seem expedient for the corporation to acquire outside of the regular line, or of the intended regular line, of such street;

(*c*) lease, sell or otherwise dispose of any land or building purchased under clause (*b*).

(*2*) Any conveyance of land or of a building under clause (*c*) may comprise such conditions as the Commissioner thinks fit, as to the removal of the existing building, the description of new building

to be erected, the period within which such new building shall be completed and other such matters.

Preservation of Regular Line in Public Streets.

Prescribing the regular line of a street.

[a]**297.** (*1*) The Commissioner may

(*a*) prescribe a line on each side of any public street;

(*b*) from time to time, but subject in each case to his receiving the authority of the corporation in that behalf, prescribe a fresh line in substitution for any line so prescribed, or for any part thereof, provided that such authority shall not be accorded

(*i*) unless, at least one month before the meeting of the corporation at which the matter is decided, public notice of the proposal has been given by the Commissioner by advertisement in local newspapers as well as in the *Bombay Government Gazette*, and special notice thereof, signed by the Commissioner, has also been put up in the street or part of the street for which such fresh line is proposed to be prescribed, and

(*ii*) until the corporation have considered all objections to the said proposal made in writing and delivered at the office of the municipal secretary not less than three clear days before the day of such meeting.

(*2*) The line for the time being prescribed shall be called 'the regular line of the street'.

(*3*) No person shall construct any portion of any building within the regular line of the street except with the written permission of the Commissioner,

[a] Section 297 was substituted for the original section by Bom. V of 1905, s. 42.

who shall, in every case in which he gives such permission, at the same time report his reasons in writing to the standing committee.

(*2*) A line so prescribed shall be called "the regular line of the street."

Setting back buildings to regular line of the street.

298. (*1*) If any part of a building abutting on a public street is within the regular line of such street, the Commissioner may, whenever it is proposed—

(*a*) to rebuild such building or to take down such building to an extent exceeding one-half thereof above the ground-level, such half to be measured in cubic feet; or

(*b*) to remove, re-construct or make any addition to any portion of such building which is within the regular line of the street;

in any order which he issues, under section 345 or 346, concerning the re-building, alteration or repair of such building, require such building to be set back to the regular line of the street.

(*2*) When any building, or any part thereof within the regular line of a public street, falls down, or is burnt down, or is taken down whether under the provisions of section 351 or 354 or otherwise, the Commissioner may at once take possession on behalf of the corporation of the portion of land within the regular line of the street theretofore occupied by the said building, and, if necessary, clear the same.

(*3*) Land acquired under this section shall thenceforward be deemed a part of the public street and shall vest, as such, in the corporation.

Acquisition of open land or of land occupied by platforms, &c., within the regular line of a street.

299. (*1*) If any land not vesting in the corporation, whether open or enclosed, lies within the

regular line of a public street, and is not occupied by a building, or if a platform, verandah, step or some other structure external to a building abutting on a public street, or a portion of a platform, verandah, step or other such structure, is within the regular line of such street,

the Commissioner may, after giving to the owner of the land or building not less than seven clear days' written notice of his intention so to do, take possession on behalf of the corporation of the said land with its enclosing wall, hedge or fence, if any, or of the said platform, verandah, step or other such structure as aforesaid, or of the portion of the said platform, verandah, step or other such structure as aforesaid which is within the regular line of the street, and, if necessary, clear the same, and the land so acquired shall thenceforward be deemed a part of the public street:

(*2*) Provided that when the land or building is vested in Her Majesty [a] or in any corporation constituted by Royal Charter or by an Act of Parliament or of the Governor General of India in Council or of the Governor in Council possession shall not be taken as aforesaid without the previous sanction of Government.

Setting forward of buildings to regular line of the street.

300. (*1*) If any building which abuts on a public street is in rear of the regular line of such street, the Commissioner may, whenever it is proposed—

(*a*) to re-build such building, or

(*b*) to alter or repair such building in any manner that will involve the removal or re-erection of such building, or of the portion thereof which abuts on the said street, to an extent exceeding one-half of such

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[a] The words "Her Majesty" were substituted for the original words by Bom. IV of 1888, s. 5 (*a*).

building or portion thereof above the ground-level, such half to be measured in cubic feet,

in any order which he issues, under section 345 or 346, concerning the re-building, alteration or repair of such building, permit or, with the approval of the standing committee, require such building to be set forward to the regular line of the street.

(*2*) For the purposes of this section, a wall separating any premises from a public street shall be deemed to be a building; and it shall be deemed to be a sufficient compliance with a permission or requisition to set forward a building to the regular line of a street if a wall of such materials and dimensions as are approved by the Commissioner is erected along the said line.

Compensation to be paid in cases under the three last sections.

301. (*1*) Compensation shall be paid by the Commissioner to the owner of any building or land acquired for a public street under section 298 or 299 for the value of the said land and for any loss, damage or expense sustained by such owner in consequence of the order made by the Commissioner under either of the said sections.

(*2*) If, in consequence of any order to set forward a building made by the Commissioner under the last preceding section, the owner of such building sustains any loss or damage, compensation shall be paid to him by the Commissioner for such loss or damage.

(*3*) If the additional land which will be included in the premises of any person required or permitted under the last preceding section to set forward a building belongs to the corporation, the order or permission of the Commissioner to set forward the building shall be a sufficient conveyance to the said owner of the said land; and the terms and conditions of the conveyance shall be set forth in the said order or permission.

(*4*) If, when the Commissioner requires a building to be set forward, the owner of the building is dissatisfied with any of the terms or conditions of the conveyance, the Commissioner shall, upon the application of the said owner at any time within fifteen days after the said terms and conditions are communicated to him, refer the case for the determination of the Chief Judge of the Small Cause Court, whose decision thereupon shall be conclusive.

Provisions concerning Private Streets.

Notice of intention to lay out new private street to be given to Commissioner.

302. Every person who intends to make or lay out a new private street [a] whether it is intended to allow the public a right of passage or access over such street, or not, [a] shall give written notice of his intention to the Commissioner, and shall, along with such notice, submit plans and sections, showing the intended level, direction and width and means of drainage of such street and the height and means of drainage of the buildings to be erected on each side thereof.

Level, &c., of new private streets and of the buildings on either side thereof to be determined by Commissioner.

303. (*1*) The level, direction, width and means of drainage of every such [b] new private street, and the height and means of drainage of the buildings to be erected on each side thereof, shall be fixed and determined by the Commissioner with the approval of the standing committee.

(*2*) But if, within thirty days after the receipt by the Commissioner of any notice under the last preceding section, the disapproval by the Commissioner of the level, direction, width or means of drainage of the proposed new street, or of the proposed height or means of drainage of the buildings to be erected on each side thereof, shall not be communicated to the person who gave the notice under the last preceding section, the proposals of the

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[a-a] These words were inserted by Bom. V of 1905, s. 43 (*1*).

[b] The word "such" was inserted by Bom. V of 1905, s. 43 (*2*).

said person shall be deemed to have been approved by the Commissioner.

New private street not to be made and buildings on either side thereof not to be erected except in accordance with Commissioner's directions or approval.

304. (*1*) No person shall make or lay out any such [a] new private street, or erect any building on either side thereof, otherwise than in accordance with the directions of the Commissioner under the last preceding section or with proposals approved by him under the said section, as the case may be.

(*2*) If any such [a] new private street be made or laid out, or if any building on either side of any such street be erected, in contravention of this section, the Commissioner may, by written notice, require the person who is making or laying out or has made or laid out such street, or who is erecting or has erected such building, on or before such day as shall be specified in such notice, by a statement in writing subscribed by him in that behalf and addressed to the Commissioner, to show sufficient cause why such street or building should not be altered to the satisfaction of the Commissioner or, if that be impracticable, why the same should not be demolished or removed;

or shall require the said person on such day and at such time and place as shall be specified in such notice to attend personally, or by an agent duly authorized by him in that behalf, and show cause as aforesaid.

(*3*) If such person shall fail to show sufficient cause, to the satisfaction of the Commissioner, why such street or building should not be so altered or demolished or removed, the Commissioner may cause the street or building to be so altered or demolished or removed, and the expenses thereof shall be paid by the said person.

Levelling and draining of private streets.

305. If any private street be not levelled, metalled or paved, sewered, drained, channelled

[a] The word "such" was inserted by Bom. V of 1905, s. 43 (*3*).

and lighted to the satisfaction of the Commissioner, he may, with the sanction of the standing committee, by written notice, require the owners of the several premises fronting or adjoining the said street or abutting thereon to level, metal or pave, drain and light the same in such manner as he shall direct.

Power to declare private streets, when sewered, &c., public streets.

306. (*1*) when any private street has been levelled, metalled or paved, sewered, drained, channelled and made good to the satisfaction of the Commissioner, he may and, upon the request of the owner of or any of the owners of such street, shall, if lamps, lamp-posts and other apparatus necessary for lighting such street have been provided to his satisfaction, by notice in writing put up in any part of such street, declare the same to be a public street, and thereupon the same shall become a public street:

(*2*) Provided that no such street shall become a public street if, within one month after such notice has been put up, the owner of such street or of the greater part thereof shall, by notice in writing to the Commissioner, object thereto.

(*3*) Nothing in this section shall be deemed to affect the provisions of sections 37 and 38 of the Bombay Port Trust Act, 1879. Bom. VI of 1879.

Applicability of sections 305 and 306 when a street is in part public and in part private.

307. If a portion only of any street is a public street, within the meaning of that term as defined in clause (*x*) of section 3, the other portion of such street may for all purposes of sections 305 and 306 be deemed to be a private street.

Projections and Obstructions.

Prohibition of projections upon streets, &c.

308. (*1*) No person shall erect, set up or place against or in front of any premises any structure or fixture, which will—

(*a*) overhang, jut or project into, or in any way encroach upon, or obstruct the safe or

convenient passage of the public along, any street, or

(*b*) jut or project into or encroach upon any drain or open channel in any street, so as in any way to interfere with the use or proper working of such drain or channel or to impede the inspection or cleansing thereof.

Power to require removal of the same.

(*2*) The Commissioner may, by written notice, require the owner or occupier of any premises to remove any structure or fixture which has been erected, set up or placed against, or in front of, the said premises in contravention of this section [a] or of section 196 of the Bombay Municipal Act, 1872, [a] [b] or to alter the same in such manner as the Commissioner thinks fit to direct.

Bom. III of 1872.

(*3*) If the occupier of the said premises removes or alters any structure or fixture in accordance with such notice, he shall be entitled, unless the structure or fixture was erected, set up or placed by himself, to credit in account with the owner of the premises for all reasonable expenses incurred by him in complying with the said notice.

Power to require removal or alteration of projections, &c., made, before Bom. Act III of 1872 came into force.

309. (*1*) If any such structure or fixture as is described in the last preceding section has been erected, set up or placed against, or in front of, any premises, at any time before the Bombay Municipal Act, 1872, came into force, the Commissioner may give notice as aforesaid to the owner or occupier of the said premises.

(*2*) But, if in any such case the structure or fixture shall have been lawfully erected, set up or placed, compensation shall be paid by the Commissioner to every person who sustains loss or damage by the removal or alteration thereof.

[a—a] This reference was inserted by Bom. IV of 1888, s. 6.

[b] Bom. III of 1872 was repealed by s. 2 of this Act.

Projections over streets may be permitted in certain cases.

310. (*1*) The Commissioner may give a written permission, on such terms as he shall in each case think fit, to the owner or occupier of any building abutting on any street—

(*a*) to erect an arcade over such street or any portion thereof, or

(*b*) to put up a verandah, balcony, sunshade, weather-frame or other such structure or thing projecting from any upper storey over any street or portion thereof:

(*2*) Provided that no permission shall be given by the Commissioner for the erection of an arcade in any public street in which the construction of arcades has not been previously sanctioned by the corporation.

(*3*) The provisions of section 308 shall not be deemed to apply to any arcade, verandah, balcony, sunshade, weather-frame or other structure or thing erected or put up under and in accordance with the terms of a permission granted under this section.

Ground-floor doors, &c., not to open outwards on streets.

311. The Commissioner may at any time, by written notice, require the owner of any premises on the ground-floor of which any door, gate, bar or window opens outwards upon a street, or upon any land required for the improvement of a street, in such manner as, in the opinion of the Commissioner, to obstruct the safe or convenient passage of the public along such street, to have the said door, gate, bar or window altered so as not to open outwards.

Prohibition of structures or fixtures which cause obstruction in streets.

312. (*1*) No person shall, except with the permission of the Commissioner under section 310 or 317, erect or set up any wall, fence, rail, post, step, booth or other structure or fixture in or upon any street or upon or over any open channel, drain, well or tank in any street so as to form an obstruction

to, or an encroachment upon, or a projection over, or to occupy, any portion of such street, channel, drain, well or tank.

(*2*) Nothing in this section shall be deemed to apply to any erection or thing to which clause (*c*) of section 322 applies.

Prohibition of deposit, &c., of things in streets.

313. (*1*) No person shall, except with the written permission of the Commissioner,—

(*a*) place or deposit upon any street, or upon any open channel, drain or well in any street, any stall, chair, bench, box, ladder, bale or other thing so as to form an obstruction thereto or encroachment thereon;

(*b*) project, at a height of less than twelve feet from the surface of the street, any board or shelf, beyond the line of the plinth of any building, over any street, or over any open channel, drain, well or tank in any street;

(*c*) attach to, or suspend from, any wall or portion of a building abutting on a street, at a less height than aforesaid, anything whatever.

(*2*) Nothing in clause (*a*) applies to building-materials.

Commissioner may, without notice, remove anything erected in contravention of section 312,

314. The Commissioner may, without notice, cause to be removed—

(*a*) any wall, fence, rail, post, step, booth or other structure or fixture which shall be erected or set up in or upon any street, or upon or over any open channel, drain, well or tank contrary to the provisions of sub-section (*1*) of section 312, after the same comes into force;

after it comes into force or deposited, &c., in contravention of section 313.

(*b*) any stall, chair, bench, box, ladder, bale, board or shelf, or any other thing whatever placed, deposited, projected, attached or suspended in, upon, from or to any place in contravention of sub-section (*1*) of section 313.

Power to require removal of any structure or fixture erected or set up before section 312 came into force.

315. (*1*) The Commissioner may, by written notice, require the owner or occupier of any premises contiguous to, or in front of, or in connection with which any wall, fence, rail, post, step, booth or other structure or fixture, which it would be unlawful to erect or set up after section 312 comes into force, has been erected or set up before the said section comes into force, to remove the said wall, fence, rail, post, step, stall or other structure or thing.

(*2*) But, if in any such case the structure or fixture shall have been lawfully erected or set up, compensation shall be paid by the Commissioner to every person who sustains loss or damage by the removal or alteration thereof.

Prohibition of the tethering of animals in the public streets.

316. (*1*) No person shall tether any animal, or cause or permit the same to be tethered by any member of his family or household, in any public street.

(*2*) Any animal tethered as aforesaid may be removed by the Commissioner, or by any municipal officer or servant, and made over to a police officer, or may be removed by a police officer, who shall deal therewith as with an animal found straying.

Temporary Erections on Streets during Festivals.

Commissioner may permit booths, &c., to be erected on streets on festivals.

317. With the concurrence of the Police Commissioner, the Commissioner may grant a written permission for the temporary erection of a booth and

any other such structure on any street on occasions of ceremonies and festivals.

Provisions concerning Execution of Works in or near to Streets.

Street when broken up for any municipal purpose to be restored without delay.

318. Whenever the soil or pavement of any street is opened or broken up by or under the order of the Commissioner, or of any municipal officer or servant, for the execution of any work on behalf of the corporation, the work on account of which the same shall have been opened or broken up shall be completed and the soil or pavement filled in, reinstated and made good with all convenient speed; and, on completion of the work, the surplus of earth and materials, if any, excavated and all rubbish occasioned thereby shall be removed without delay.

Commissioner may close street in which work is in progress.

319. (*1*) The Commissioner may, whilst any such work as aforesaid or any work which may lawfully be executed in any street is in progress, direct that the said street shall be wholly or partially closed for traffic or for traffic of such description as he shall think fit; and shall set up in a conspicuous position an order prohibiting traffic to the extent so directed, and fix such bars, chains or posts across or in the street as he shall think proper for preventing or restricting traffic therein.

(*2*) No person shall, without the permission of the Commissioner or without other lawful authority, remove any bar, chain or post so fixed or infringe any order prohibiting traffic so set up.

Commissioner to provide for traffic, &c., pending execution of municipal work in any street.

320. Whilst the execution of any work on behalf of the corporation is in progress in any street, the Commissioner shall, so far as may be reasonably practicable, make adequate provision for the passage or diversion of traffic, for securing access to all premises approached from such street, and for any

drainage, water-supply or means of lighting which may be interrupted by reason of the execution of the said work, and shall pay compensation to any person who sustains special damage by reason of the execution thereof.

Precautions to be taken for the public safety whilst municipal works are in progress in any street.

321. (*1*) Whilst the execution of any work on behalf of the corporation is in progress in any street, the Commissioner shall—

(*a*) take proper precaution for guarding against accident by shoring up and protecting the adjoining buildings;

(*b*) have any place where the soil or pavement has been opened or broken up fenced and guarded;

(*c*) have a light sufficient for the warning of passengers set up and kept every night against any such place and against any bars, chains or posts set up under section 319, for so long as such place shall be continued open or broken up, or such bars, chains or posts shall remain set up.

(*2*) No person shall, without the written permission of the Commissioner or without other lawful authority, remove any shoring-timber or fence, or extinguish any light, employed or set up for any of the purposes of this section.

Streets not to be opened or broken up and building-materials not to be deposited thereon without permission.

322. (*1*) No person other than the Commissioner or a municipal officer or servant shall, without the written permission of the Commissioner or without other lawful authority,—

(*a*) open, break up, displace, take up or make any alteration in, or cause any injury to, the soil or pavement, or any wall, fence, post, chain or other material or thing forming part of any street; or

(*b*) deposit any building-materials in any street; or

(*c*) set up in any street any scaffold or any temporary erection for the purpose of any work whatever, or any posts, bars, rails, boards or other things by way of enclosure, for the purpose of making mortar or depositing bricks, lime, rubbish or other materials.

(*2*) Any permission granted under clause (*b*) or clause (*c*) shall be terminable at the discretion of the Commissioner, on his giving not less than twenty-four hours' written notice of the termination thereof to the person to whom such permission was granted:

Precautions for public safety to be taken by persons to whom permission is granted under section 322.

323. Every person to whom any permission is granted under section 322 shall, at his own expense, cause the place where the soil or pavement has been opened or broken up or where he has deposited building-materials or set up any scaffold, erection or other thing, to be properly fenced and guarded, and, in all cases in which the same is necessary to prevent accidents, shall cause such place to be well lighted during the night.

Persons to whom permission is granted under section 322 must reinstate streets, &c.

324. (*1*) Every person to whom permission is granted under section 322 to open or break up the soil or pavement of any street, or who, under other lawful authority, opens or breaks up the soil or pavement of any street, shall with all convenient speed complete the work for which the same shall be opened or broken up, and fill in the ground and reinstate and make good the street or pavement so opened or broken up without delay, to the satisfaction of the Commissioner.

(*2*) If the said person shall fail to re-instate and make good the street or pavement as aforesaid, the Commissioner may restore such street or pavement,

and the expenses incurred by the Commissioner in so doing shall be paid by the said person.

Provisions to be made by persons to whom permission is granted under section 322 for traffic, &c., when their works interrupt streets.

325. The Commissioner may, by written notice, require any person to whom permission is granted under section 322 to open or break up the soil or pavement of any street, or who, under any other lawful authority, opens or breaks up the soil or pavement of any street, for the purpose of executing any work, to make provision to his satisfaction for the passage or diversion of traffic, for securing access to the premises approached from such street, and for any drainage, water-supply or means of lighting which may be interrupted by reason of the execution of the said work.

Hoards to be set up during work on any building adjacent to a street.

326. (*1*) No person who proposes to build, take down or re-build any building or wall, or to alter or repair any part of any building or wall, shall, in any case in which the footway in any adjacent street will be thereby obstructed or rendered less convenient, commence doing so, without first having caused to be put up a proper and sufficient hoard or fence, with a convenient platform and hand-rail, if there be room enough for the same and the Commissioner shall think the same desirable, to serve as a footway for passengers outside of such hoard or fence.

(*2*) No hoard or fence shall be so put up without the previous written permission of the Commissioner, and every such hoard or fence put up with such permission, with such platform and hand-rail as aforesaid, shall be continued standing and maintained in good condition to the satisfaction of the Commissioner, by the person who carries on the work, during such time as may be necessary for the public safety and convenience; and, in all cases in which the same is necessary to prevent accidents, the said person shall cause such hoard or fence to be well lighted during the night.

(3) The Commissioner may, by written notice, require the person aforesaid to remove any hoard or fence so put up.

Naming of Streets, &c.

327. (1) The Commissioner may, from time to time,— Naming streets, and numbering of houses.

(a) with the sanction of the corporation determine the name by which any street shall be known;

(b) cause to be put up or painted on a conspicuous part of any house at or near each end, corner or entrance to every street, the name of such street as so determined;

(c) cause a number to be put up or painted in a conspicuous place on the outer side, wall, door or gate of any premises.

(2) No person shall, without the written permission of the Commissioner or without other lawful authority, destroy, remove, deface or in any way injure any such name or number, or put up or paint any name or number different from that put up or painted by order of the Commissioner.

Bill-posting.

328. No person shall, without the consent of the owner or occupier, affix any posting-bill, placard or other paper or means of advertisement against or upon any building, wall, board, fence or pale, or write upon, soil deface or mark any such building, wall, board, fence or pale with chalk or paint or in any other way whatsoever. Prohibition of posting of bills, &c., except with consent of owner or occupier of buildings, &c.

Dangerous Places.

329. (1) If any place is, in the opinion of the Commissioner, for want of sufficient repair, protec- Commissioner to take proceedings for repairing

or enclosing dangerous places.

tion or enclosure, or owing to some work being carried on thereupon, dangerous to passengers along a street, or to persons, other than the owner or occupier of the said place, who have legal access thereto or to the neighbourhood thereof, he may, by notice in writing require the owner or occupier thereof to repair, protect or enclose the said place or take such other step as shall appear to the Commissioner necessary, in order to prevent danger therefrom.

(2) The Commissioner may, before giving any such notice or before the period of any such notice has expired, take such temporary measures as he thinks fit to prevent danger from the said place. Any expense incurred by the Commissioner in taking such temporary measures shall be paid by the owner or occupier of the place to which the said notice refers.

Lighting of Streets.

Public streets to be lighted.

330. The Commissioner shall—

(*a*) take measures for lighting in a suitable manner the public streets and municipal markets and all buildings vesting in the corporation; and

(*b*) procure, erect and maintain such a number of lamps, lamp-posts and other appurtenances as may be necessary for the said purpose; and

(*c*) cause such lamps to be lighted by means of oil, gas, electricity or such other light as the corporation shall from time to time determine;

and may—

(*d*) place and maintain electric wires for the purpose of lighting such lamps under, over, along or across, and posts, poles, standards,

stays, struts, brackets, and other contrivances for carrying, suspending or supporting lamps or electric wires in or upon, any immoveable property, without being liable to any claim for compensation thereanent:

Provided that such wires, posts, poles, standards, stays, struts, brackets and other contrivances shall be so placed as to occasion the least practicable inconvenience or nuisance to any person.

Prohibition of removal, &c., of lamps.

331. No person shall, without lawful authority, take away or wilfully break, throw down or damage—

(*a*) any lamp, lamp-post or lamp-iron set up in any public street of in any municipal market or building vesting in the corporation;

(*b*) any electric wire for lighting any such lamp;

(*c*) any post, pole, standard, stay, strut, bracket or other contrivance for carrying, suspending or supporting any such electric wire or lamp;

and no person shall wilfully extinguish the light or damage any appurtenance of any such lamp.

Persons accidentally breaking lamp to repair the damage.

332. If any person shall, through negligence or accident, break any lamp set up in any public street or municipal market or building vesting in the corporation, he shall pay the expenses of repairing the damage so done by him.

Manner of laying gas-pipes.

333. (*1*) No gas-pipe shall be laid in a drain or on the surface of an open channel or house-gully.

(*2*) Gas-pipes shall be laid at the greatest practicable distance from water-pipes, having regard to

the width of the street. Where the width of the street will allow of it, the said distance shall not be less than four feet.

(*3*) When it is necessary for a gas-pipe to cross a water-pipe, the gas-pipe shall, if practicable, be laid above the water-pipe. A gas-pipe so laid shall be at least nine feet in length and, as nearly as the situation will admit of, shall be so placed as to form with the water-pipe a right angle and so that no joint in the gas-pipe will be nearer to any water-pipe than four feet. The greatest practicable distance shall be kept between a water-pipe and a gas-pipe which crosses it, and the gas-pipe shall, throughout its entire length, be sufficiently bedded in with good sound clay or other fit material of a proper consistence, which shall be well worked and rammed into a trench all round the gas-pipe.

(*4*) If any gas-pipe be laid in any way contrary to the provisions of this section, the Commissioner may make such alteration with respect to such pipe as he shall think necessary, and the expenses thereof shall be paid by the person under whose order or management the pipe has been laid.

Situation of gas-pipes, &c., may be altered by Commissioner.

334. (*1*) The Commissioner may, whenever for any of the purposes of this Act it shall appear to him necessary, by written notice, require the owner of any gas-pipe or of any other gas-work laid in any street to raise, sink or otherwise alter the situation of such pipe or work.

(*2*) Every alteration required to be made under sub-section (*1*) shall be made at the charge of the municipal fund, and compensation shall be paid to the owner by the Commissioner for the damage, if any, which he sustains by reason of such alteration :

(*3*) Provided that no such alteration shall be made which will prevent gas passing through any pipe or work as freely and conveniently as, having

regard to all the requirements of this Act, is practicable.

Buildings, &c., not to be erected without permission over municipal gas-pipes.

335. (*1*) Without the written permission of the Commissioner, no building, wall or other structure shall be newly erected, and no street or railway shall be constructed over any gas-pipe belonging to the corporation.

(*2*) If any building, wall or other structure be so erected, or any street or railway be so constructed, the Commissioner may, with the approval of the standing committee, cause the same to be removed or otherwise dealt with as to the Commissioner shall appear fit, and the expenses thereby incurred shall be paid by the person offending.

Watering of Streets.

Measures for watering.

336. The Commissioner may—

(*a*) take measures for having the public streets watered at such time and seasons and in such manner as he shall think fit;

(*b*) procure and maintain such water-carts, animals, and apparatus as he shall think fit for the said purpose.

CHAPTER XII.

Building Regulations.

Notices regarding Erection of Buildings.

Notice to be given to Commissioner of intention to erect a building.

337. (*1*) Every person who shall intend to erect a building shall give to the Commissioner notice of his said intention, in a form, obtained for this purpose under section 344, specifying the position of the building intended to be erected, the description of building, the purpose for which it is intended, [a] its

[a] Word repealed by Act V of 1905, s. 44, is omitted.

dimensions [a] and the name of the person whom he intends to employ to supervise its erection. [a]

(*2*) In this chapter "to erect a building" means to newly erect a building, or to re-erect any building pulled down to the plinth, or any frame-building of which only the frame-work is left down to the plinth, or to convert into a dwelling-house any building not originally constructed for human habitation, or to convert into more than one dwelling-house a building originally constructed as one dwelling-house only; and a building so erected, re-erected or converted is called in this chapter "a new building."

Commissioner may require plans and other documents to be furnished.

[b] **338.** (*1*) At any time within thirty days after receipt of any notice under section 337, the Commissioner may, by written notice, require the person who has given the notice first hereinbefore in this section mentioned, to furnish to the Commissioner all or any of the following documents, namely:—

[c] (*a*) correct plans and sections of every floor of the building intended to be erected, which shall be drawn to a scale of not less than one inch to every eight feet and shall show the position, form, dimensions and means of ventilation of and of access to the several parts of such building and its appurtenances, and, in the case of a building intended to be used as a dwelling house for two or more families or for carrying on any trade or business in which a number of people exceeding twenty may be employed or as a place of public resort, the means of

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[a-a] These words were added by Bom. V of 1905, s. 44.

[b] Section 338 was re-numbered section 338 (*1*) by Bom. V of 1905, s. 45 (*1*).

[c] Clause (*a*) was substituted for the original clause (*a*) by Bom. V of 1905, s. 45 (*2*).

ingress and egress. Such plans and sections shall also show the depth and nature of the foundations and the proposed dimensions of all the walls, posts, columns, beams, joists and all girders and scantlings to be used in the walls, staircases, floors and roofs of such building;

[a](*b*) a specification of each description of work proposed to be executed and of the materials to be employed. Such specification shall include a description of the proposed method of drainage of the building intended to be erected and of the sanitary fittings to be used and also of the means of water-supply and shall, if required by the Commissioner, be supplemented by detailed calculations showing the sufficiency of the strength of any part of such building;

(*c*) a block plan of such building, which shall be drawn to a scale of not less than one inch to every forty feet and shall show the position and appurtenances of the properties, if any, immediately adjoining, the width and level of the street, if any, in front and of the street, if any, at the rear of such building, the levels of the foundations and lowest floor of such building and of any yard or ground belonging thereto [b] and the means of access to such building; [b]

(*d*) a plan showing the intended line of drainage of such building, and the intended size, depth and inclination of each drain,

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[a] Clause (*b*) was substituted for the original clause (*b*) by Bom. V of 1905, s. 45 (*2*).

[b-b] These words were added by Bom. V of 1905, s. 45 (*3*).

and the details of the arrangement proposed for the ventilation of the drains.

[a] (*2*) At any time within the said period the Commissioner may also by written notice require the said person to open for inspection any portion or portions of the intended foundations, or any portion or portions of the foundations or walls of the existing building.

Commissioner may require plans, &c., submitted under last preceding section, to be prepared by a licensed surveyor.

339. The Commissioner may decline to accept any plan, section or description as sufficient for the purposes of the last preceding section, which does not bear the signature of a licensed surveyor in token of its having been prepared by such surveyor or under his supervision.

Additional information and the attendance of the person who gave the notice may be required.

340. If the notice given under section 337 and the documents, if any, furnished under section 338 do not supply all the information which the Commissioner deems necessary to enable him to deal satisfactorily with the case, the Commissioner may, at any time within thirty days after receipt of the said documents, by written notice, require the production of such further particulars and details as he deems necessary.

Effect of non-compliance with requisition under section 338 or 340.

341. If any requisition made under section 338 or 340 is not complied with, the notice given under section 337 shall be deemed not to have been given.

Notices regarding Execution of Works not amounting to the Erection of a Building.

Notice to be given to the Commissioner of intention to make additions, &c., to a building.

342. Every person who shall intend—

(*a*) to make any addition to a building, or

(*b*) to make any alteration or repairs to a building, not being a frame-building, involving

[a] Sub-section (*2*) was inserted by Bom. V of 1905, s. 45 (*4*).

the removal or re-erection of any external or party-wall thereof or of any wall which supports the roof thereof, to an extent exceeding one-half of such wall above the ground-level, such half to be measured in superficial feet, or

(*c*) to make any alteration or repairs to a frame-building, involving the removal or re-erection of more than one-half of the posts in any such wall thereof as aforesaid, such half to be measured in superficial feet, or

(*d*) to remove or reconstruct any portion of a building abutting on a street which stands within the regular line of such street,

shall give to the Commissioner, in a form obtained for this purpose under section 344, notice of his said intention, specifying the position of the building in which such work is to be executed,[*] the nature and extent of the intended work [a] and the name of the person whom he intends to employ to supervise its execution. [a]

Plans and additional information may be called for.

343. (*1*) If any notice given under the last preceding section does not supply all the information which the Commissioner deems necessary to enable him to deal satisfactorily with the case, he may, at any time within thirty days after receipt of the said notice, by written notice, require the person who gave the notice first hereinbefore in this section mentioned to furnish plans and sections [b] of the building and [b] of the intended new work or of any specified portion of the intended new work, [c] and the provisions of sections 338, 339, 340 and 341 shall apply to the intended new work so far as the Commissioner may consider them to be applicable.[c]

[a-a] These words were added by Bom. V of 1905, s. 46.
[b-b] These words were inserted by Bom. V of 1905, s. 47 (*1*).
[c-c] These words were substituted for the original words by Bom. V of 1905, s. 47 (*1*).
[*] Word repealed by Act V of 1905, s. 46, is omitted.

[a] (*2*) The Commissioner may also, at any time within the said period, by written notice require the said person to open for inspection any portion or portions of the foundations or walls of the existing building.

Forms of Notices.

Printed forms of notices to be supplied to the public.

344. (*1*) The Commissioner shall cause printed forms of notices for the purposes of section 337 or 342 to be delivered to any person requiring the same, on payment of such fee not exceeding eight annas for each form as shall from time to time be prescribed in this behalf by the Commissioner, with the approval of the standing committee.

(*2*) There shall be printed on the reverse of every such notice, or on a separate paper supplied without extra charge therewith, a copy of sections 337, 338, 339, 340, 341, 342, 343, 344A [b], 345, 346, 347, 348, 349 [c], 349A, 349B, and 349C [c] and of all by-laws made under clauses (*c*), (*d*) and (*e*) of section 461 at the time in force.

Commencement of work.

Supervision of buildings and works.

[d] **344A.** (*1*) Every person who intends to erect a building, or execute any such work as is described in section 342, shall employ a person, who shall be competent to the satisfaction of the Commissioner, to supervise the erection of such building or the execution of such work.

(*2*) The Commissioner may in each case require that the person to be so employed shall be a licensed

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[a] Sub-section (*2*) of section 343 was substituted for the original sub-section by Bom. V of 1905, s. 47 (*2*).

[b] This figure was inserted by Bom. V of 1905, s. 48 (*a*).

[c-c] These figures and letters were substituted for the original word and figures by Bom. V of 1905, s. 48 (*b*).

[d] Section 344A was inserted by Bom. V of 1905, s. 49.

surveyor; and the Commissioner shall, within seven days from the receipt of the notice of intention under section 337 or 342, as the case may be,

(*a*) approve the person named therein to supervise the building or work, or

(*b*) return the said notice for amendment if the person so named

(*i*) is not a licensed surveyor, and

(*ii*) is not, in the opinion of the Commissioner, a fit and proper person to supervise such building or work.

(*3*) A notice of intention returned for amendment under sub-section (*2*) shall be deemed not to have been given until it has been re-submitted duly amended.

(*4*) Where the person so employed dies or ceases to be so employed before such building or work is completed, the further erection of such building, or the further execution of such work, shall forthwith be suspended until

(*a*) a licensed surveyor, whose name shall be forthwith reported to the Commissioner, or

(*b*) another person approved by the Commissioner,

has been so employed.

When building or work may be proceeded with.

345. If within thirty days after receipt of any notice under section 337 or 342, or of the plan, section, description or further information, if any, called for under section 338, 340 or 343, as the case may be, the Commissioner fails to intimate in writing, to the person who has given the said notice, his disapproval of the building which the said person

proposes to erect, or of the work which he proposes to execute;

or if, within the said period, the Commissioner signifies in writing to the said person his approval of the said building or work;

the said person may, at any time within one year from the date of the delivery of the notice to the Commissioner, proceed with the said building or work in accordance with his intention as described in the notice or in any of the documents aforesaid, but not so as to contravene any of the provisions of this Act or any by-law made under this Act at the time in force.

Building or work which is disapproved by the Commissioner may be proceeded with, subject to terms.

346. (*1*) If the Commissioner disapproves of any building or work of which notice has been given as aforesaid or of any portion or detail thereof, by reason that the same will contravene some provision of this Act or some by-law made hereunder at the time in force or will be unsafe, he may, at any time within thirty days of the receipt of the notice or of the plan, section, description or further information, if any, called for under section 338, 340 or 343, as the case may be, by a written notice, intimate to the person who gave the notice first hereinbefore in this section mentioned his said disapproval and the reason for the same, and prescribe terms subject to which the building or work may be deemed to be approved by him.

(*2*) The person who gave the notice concerning any such building or work may proceed with the same, subject to the terms prescribed as aforesaid but not otherwise, at any time within one year from the date of receipt by him under sub-section (*1*) of the written notice in this behalf, but not so as to contravene any of the provisions of this Act or any by-law made hereunder at the time in force.

(Chap. XII.—Building Regulations. Secs. 347-348.)

When work may be commenced.

347. (*1*) No person shall commence to erect any building or to execute any such work as is described in section 342,—

(*a*) until he has given notice of his intention, as hereinbefore required, to erect such building or execute such work and the Commissioner has either intimated his approval of such building or work or failed to intimate his disapproval thereof within the period prescribed in this behalf in section 345 or 346;

[a] (*aa*) until he has given notice to the municipal executive engineer of the proposed date of commencement. Where the commencement does not take place within seven clear days of the date so notified, the notice shall be deemed not to have been given.

(*b*) after the expiry of the period of one year prescribed in sections 345 and 346, respectively, for proceeding with the same.

(*2*) If a person, who is entitled under section 345 or 346 to proceed with any building or work, fails so to do within the period of one year prescribed in the said sections, respectively, for proceeding with the same, he may at any subsequent time give a fresh notice of his intention to erect such building or execute such work, and thereupon the provisions hereinbefore contained shall apply as if such fresh notice were a first notice of such person's intention.

Provisions as to Structure, Materials, &c.

Provisions as to buildings which are to be newly erected.

348. (*1*) With respect to buildings which are to be newly erected [b], the following provisions shall have effect, namely:—

[a] Clause (*aa*) was inserted by Bom. V of 1905, s. 50.
[b] Words repealed by Act V of 1905 are omitted.

(*a*) The erection of any such building on either side of a new street may be disapproved by the Commissioner, unless and until such new street has been levelled, metalled or paved, sewered and drained to the satisfaction of the Commissioner.

(*b*) The erection of any such building in any part of the city in which the position and direction of the streets likely to be required in the future have not yet been laid down or determined shall, with the assent of the standing committee, be disapproved by the Commissioner, unless the site proposed for such building is, in the opinion of the Commissioner, such as, with reference to the positions occupied by the buildings, if any, already existing in the neighbourhood, will admit of the construction in the future of one or more new streets convenient for the occupiers of all the buildings in the neighbourhood and for the purposes of drainage, water-supply and ventilation: Provided that any person whose building is so disapproved may, by written notice to the Commissioner, require that the position and direction of the future streets in the vicinity of his intended building be forthwith laid down and determined, and if such requisition be not complied with within six months from the date thereof, may, subject to all other provisions of this Act applicable thereto, proceed with the erection of his building.

(*c*) The foundation of any such building shall not be constructed on any site which has been filled up with, or has been used as a place for depositing, excrementitious matter or the carcasses of dead animals or other

filthy or offensive matter, until such matter shall have been properly removed to the satisfaction of the Commissioner.

(*d*) Every such building intended to be used as a dwelling shall be built with a plinth at least two feet above the centre of the nearest street and not below such standard level as may be fixed by the Commissioner in this behalf.

[a] (*e*) In addition to any means of ventilation required by any by-law made under this Act at the time in force, every such building intended to be used as a dwelling shall be so constructed that the whole of at least one side of every room thereof shall either be an external wall or abut on an interior open space. Such external wall, except where it faces a street of not less than fifteen feet in width, shall have between it and the boundary-line of the owner's premises an open space, extending throughout the entire length of such wall, at least two feet wide or, in the case of a chawl or building intended to form a range of separate rooms for lodgers, at least five feet wide. Such interior open space shall have an area equal to not less than one-tenth of the aggregate floor-area of all the rooms abutting thereon and shall not be in any direction less than six feet across. And every open space, whether exterior or interior, required by this clause, shall be and be kept free from any erection thereon and open to the sky, and shall be and be kept open to access from each end thereof.

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[a] The original clause (*e*) has been deleted by Bom. V of 1905, s. 51 (*b*) and the subsequent clauses of section 348 (*l*) re-numbered accordingly.

(*f*) Every room intended to be inhabited in any such building, except a room in the roof thereof shall be in every part at least ten [a] feet in height from the floor to the ceiling.

(*g*) Every such room in the roof of any such building shall have an average height of at least eight[b] feet from the floor to the ceiling [c] and a minimum height of not less than four feet. [c]

(*h*) Every such room shall have a clear superficial area of not less than [d] one hundred square feet.

(*j*) In addition to any means of ventilation required by any by-law made under this Act at the time in force, every such room shall be ventilated by means of doors or windows which open directly into the external air and have an aggregate opening equal to not less than one-fourth of the superficial area of the side of the room which faces an open space.

(*k*) Huts or sheds, or ranges or blocks of huts or sheds, whether the same are to be used as dwellings or stables or for any other purpose, shall be built, if the Commissioner thinks fit so to require,—

(*i*) so that they may stand in regular lines, with a free passage or way in front of and between every two lines of such

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[a] "Ten" was substituted for "eight" by Bom. V of 1905, s. 51 (*c*).

[b] "Eight" was substituted for "seven" by Bom. V of 1905, s. 51 (*d*) (i).

[c-c] These words were inserted by Bom. V of 1905, s. 51 (*d*) (ii).

[d] "One hundred" were substituted for "eighty" by Bom. V of 1905, s. 51 (*e*).

width as the Commissioner thinks proper for ventilation and for facilitating scavenging ; and

(*ii*) with such and so many privies, latrines or urinals and such means of drainage as the Commissioner deems necessary ; and

(*iii*) at such a level as will suffice for the means of drainage required by the Commissioner.

(*2*) Nothing in clause (*a*) shall be deemed to affect the power of Government to determine, under section 38 of the Bombay Port Trust Act, 1879, any dispute which arises between the Trustees of the Port of Bombay and the Commissioner as to whether any road within the limits of the property of the said trustees has been duly levelled, metalled or paved, sewered and drained.

Bom. VI of 1879.

349. (*1*) No external wall and no covering of a roof built or renewed since the Bombay Municipal Act, 1872,[a] came into force shall, except with the written permission of the Commissioner, consist of wood, cloth, canvas, grass, leaves, mats or any other inflammable material. Roofs and external walls of buildings not to be of inflammable material.

Bom. III of 1872.

(*2*) If any external wall or covering of a roof is or has been, since the said Act came into force, constructed of any such material, the Commissioner may, by written notice, require the owner or occupier of the building to which such wall or roof appertains to remove such wall or covering.

[b]**349A.** (*1*) Except with the written permission of the Commissioner, no building shall be erected or raised to a greater height than seventy feet as Maximum height of buildings.

[a] Bom. III of 1872 was repealed by s. 2 of this Act.
[b] Section 349A was inserted by Bom. V of 1905, s. 52.

measured from the level of the centre of the street in front

(*a*) in the case of a pitched roof, up to the tie-beam of the roof, and

(*b*) in the case of a flat roof, up to the surface of the roof.

(*2*) In the case of a pitched roof, the roof above that height shall rise at an angle of not more than forty-five degrees.

(*3*) In the case of a flat roof, a parapet of not more than three feet in height may be constructed above the maximum height specified in sub-section (*1*).

Height of buildings with reference to width of streets;

[a] **349B.** Subject to the maximum prescribed by section 349A, the height to which a building may be erected or raised shall be regulated by the width of the street on which it abuts, in accordance with the following rules, namely:—

(*1*) if the width of the street does not exceed twenty-six feet, the building shall not be erected or raised to a height greater than one and one-half times the width of the street;

(*2*) if the width of the street exceeds twenty-six feet but does not exceed forty feet, the building shall not be erected or raised to a height greater than forty feet; and

(*3*) if the width of the street exceeds forty feet, the building shall not be erected or raised to a height greater than the width of such street;

(*4*) where the building abuts upon more than one street, its height shall be regulated by the wider of such streets so far as it abuts upon such wider street and also, to a distance of eighty feet from such wider street, so far as it abuts upon the narrower of such streets;

[a] Section 349B was inserted by Bom. V of 1905, s. 52.

provided that, if the face of the building is set back from the street at any height not exceeding the height specified in sub-section (*1*), sub-section (*2*) or sub-section (*3*), as the case may be, such building may be erected or raised to a height greater than that so specified, but not so that any portion of the building shall intersect any of a series of imaginary straight lines drawn from the line of set-back, in the direction of the portion set back, at an angle of forty-five degrees with the horizontal. proviso in case of set-back.

[a] **349C.** After the commencement of this Act no building the external walls of which are of timber-framed construction shall be erected or re-erected so as to consist of more than one ground floor and one upper storey ; Frame-buildings.

provided that the Commissioner may by special order grant permission for the erection of such a building of more than two storeys or for the construction of one or more additional storeys if satisfied that such building will be or is of thoroughly sound material and construction and can safely support the same.

Inspection.

350. The Commissioner may at any time during the erection of a building or the execution of any such work as is described in section 342 make an inspection thereof, without giving previous notice of his intention so to do. Inspection of buildings in course of erection, alteration, &c.

351. (*1*) If the erection of any building, or the execution of any such work as is described in section 342, is commenced contrary to the provisions of section 347, the Commissioner, unless he deems it necessary to take proceedings in respect of such building or work under section 354, shall— Proceedings to be taken in respect of building or work commenced contrary to section 347.

[a] Section 349C was inserted by Bom. V of 1905, s. 52.

(*a*) by written notice, require the person who is erecting such building or executing such work, or has erected such building or executed such work, on or before such day as shall be specified in such notice, by a statement in writing subscribed by him or by an agent duly authorized by him in that behalf and addressed to the Commissioner, to show sufficient cause why such building or work shall not be removed, altered or pulled down ; or

(*b*) shall require the said person on such day and at such time and place as shall be specified in such notice to attend personally, or by an agent duly authorized by him in that behalf, and show sufficient cause why such building or work shall not be removed, altered or pulled down.

(*2*) If such person shall fail to show sufficient cause, to the satisfaction of the Commissioner, why such building or work shall not be removed, altered or pulled down, the Commissioner, with the approval of the standing committee, may remove, alter or pull down the building or work and the expenses thereof shall be paid by the said person.

Buildings or works commenced contrary to section 347 may be cut into and laid open for purpose of inspection.

352. (*1*) If there shall be reasonable ground for suspecting that in the erection of any such building or in the execution of any such work as is referred to in the last preceding section anything has been done contrary to any provision of this Act or of any by-law made under this Act at the time in force, or that anything required by any such provision or by-law to be done has been omitted to be done ;

and if, on inspecting such building or work, it is found that the same has been completed or is too far advanced to permit of any such fact being ascertained ;

the Commissioner may, with the approval of the standing committee, by written notice, require the person who has erected such building or executed such work or is erecting such building or executing such work to cause so much of the building or work as prevents any such fact being ascertained to be cut into, laid open or pulled down to a sufficient extent to permit of the same being ascertained.

(*2*) If it shall thereupon be found that in the erection of such building or the execution of such work nothing has been done contrary to any provision of this Act or of any by-law made under this Act at the time in force, and that nothing required by any such provision or by-law to be done has been omitted to be done, compensation shall be paid by the Commissioner to the person aforesaid for the damage and loss incurred by cutting into, laying open or pulling down the building or work.

Enforcement of provisions concerning buildings and works.

353. The Commissioner may, at any time during the erection of a building or the execution of any such work as aforesaid, or at any time within three months after the completion thereof, by written notice, specify any matter in respect of which the erection of such building or the execution of such work may be in contravention of any provision of this Act or of any by-law made under this Act at the time in force, and require the person erecting or executing or who has erected or executed such building or work, or, if the person who has erected or executed such building or work is not at the time of the notice the owner thereof, then the owner of such building or work, to cause anything done contrary to any such provision or by-law to be amended or to do anything which by any such provision or by-law may be required to be done but which has been omitted to be done.

Completion certificates: permission to occupy or use.

[a] **353A.** (*1*) Every person who employs a licensed surveyor or person approved by the Commissioner to erect a building or execute any such work as is described in section 342 shall, within one month after the completion of the erection of such building or the execution of such work, deliver or send or cause to be delivered or sent to the Commissioner at his office, notice in writing of such completion, accompanied by a certificate in the form of Schedule T signed by the person employed under section 344A, who is hereby required immediately upon completion of the work and upon demand by the person employing him to sign and give such certificate to such person, and shall give to the Commissioner all necessary facilities for the inspection of such building or of such work:

" provided that

(*a*) such inspection shall be commenced within seven days from the date of receipt of the notice of completion, and

(*b*) the Commissioner may, within seven days from the date of commencement of such inspection, by written intimation addressed to the person from whom the notice of completion was received, and delivered at his address as stated in such notice, or, in the absence of such address, affixed to a conspicuous part of the building to which such notice relates

(*i*) give permission for the occupation of such building or for the use of the building or part thereof affected by such work, or

(*ii*) refuse such permission in case such building has been erected or such work executed so as to contravene any provision of this Act or of the by-laws.

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[a] Section 353A was inserted by Bom. V of 1905, s. 53.

(*2*) No person shall occupy or permit to be occupied any such building, or use or permit to be used the building or part thereof affected by any such work, until

(*a*) the permission referred to in proviso (*b*) to sub-section (*1*) has been received, or

(*b*) the Commissioner has failed for twenty-one days after receipt of the notice of completion to intimate as aforesaid his refusal of the said permission.

Dangerous Structures.

Removal of structures, &c., which are in ruins or likely to fall.

354. (*1*) If it shall at any time appear to the Commissioner that any structure (including under this expression any building, wall or other structure and anything affixed to, or projecting from, any building, wall or other structure) is in a ruinous condition, or likely to fall, or in any way dangerous to any person occupying, resorting to or passing by such structure or any other structure or place in the neighbourhood thereof, the Commissioner may, by written notice, require the owner or occupier of such structure to pull down, secure or repair such structure, and to prevent all cause of danger therefrom.

(*2*) The Commissioner may also, if he thinks fit, require the said owner or occupier, by the said notice, either forthwith or before proceeding to pull down, secure or repair the said structure, to set up a proper and sufficient hoard or fence for the protection of passers-by and other persons, with a convenient platform and hand-rail, if there be room enough for the same and the Commissioner shall think the same desirable, to serve as a footway for passengers outside of such hoard or fence.

[a] *Works unlawfully carried on.*

Power of Commissioner to direct removal of person directing.

354A. Where the erection of a building or the execution of any such work as is described in

[a] This heading and section were inserted by Bom. V of 1905, s. 54.

section 342 has been unlawfully commenced or is being unlawfully carried on upon any premises, the Commissioner may after three days' notice direct that any person directing or carrying on such erection or execution shall be removed from such premises by any police-officer.

CHAPTER XIII.

LICENSING OF SURVEYORS AND PLUMBERS.

Grant of licenses to surveyors and plumbers.

355. (*1*) The Commissioner may grant to any person he thinks fit a license to act as a surveyor or as a plumber for the purposes of this Act. Each such license shall be for a renewable period of one year.

(*2*) If any applicant for a license to act as a surveyor is a licentiate of civil engineering or a person who has passed some test of professional qualification equivalent to that for a licentiate of civil engineering, his application shall not be refused by the Commissioner, except with the approval of the standing committee and upon the ground that the applicant is unfit, through incompetency, misconduct or other grave reason, to hold such license.

(*3*) If the Commissioner refuses any application for a license under this section, he shall, at the request of the applicant, furnish such applicant with his reasons for such refusal in writing under his signature, without charge.

...ions may be prescribed for guidance of licensed surveyors and plumbers.

356. The Commissioner may, with the approval of the standing committee, from time to time prescribe regulations for the guidance of licensed surveyors and plumbers, respectively, and a copy of all regulations so prescribed at the time in force shall be written on the back of every license granted to a surveyor or plumber, respectively.

(Chap. XIII.—Licensing of Surveyors and Plumbers. Secs. 357-358. Chap. XIV.—Municipal Fire-Brigade. Secs. 359-360.)

Fees and charges of licensed plumbers to be prescribed by the standing committee.

357. The standing committee may from time to time prescribe the fees or charges to be paid to licensed plumbers for any work done by them under or for any purpose of this Act; and no licensed plumber shall demand or receive more than the fee or charge so prescribed for any such work.

Licensed plumber to be bound to execute work properly.

358. No licensed plumber shall execute any work under this Act carelessly or negligently or make use of any bad material, appliance or fitting for the purpose of such work.

CHAPTER XIV.

MUNICIPAL FIRE-BRIGADE.

Maintenance of firemen and of necessary fire-engines, &c.

359. (*1*) With a view to the discharge by the corporation of the duty of extinguishing fire and protecting life and property in case of fire, the Commissioner shall provide, in the schedule of municipal officers and servants from time to time prepared by him under section 79, for a force of firemen, with a proper number of officers over them, to be called "the municipal fire-brigade," and shall furnish the said brigade with all such fire-engines, fire-escapes, horses, accoutrements, tools, implements and means of intercommunication as may be necessary for the efficient discharge of their duties.

(*2*) A person may be appointed to be a member of the fire-brigade in addition to any other office or employment of such person.

Power to make regulations for fire-brigade.

360. The Commissioner shall from time to time make regulations for—

(*a*) the training, discipline and good conduct of the men belonging to the fire-brigade;

(*b*) their speedy attendance with engines, fire-escapes and all necessary implements on the occasion of any alarm of fire;

(*c*) the maintenance of the said brigade generally in a due state of efficiency.

Powers of chief officer of fire-brigade at a fire.

361. On the occasion of a fire, the chief or other officer in charge of the fire-brigade may, subject to such orders as the Commissioner may from time to time issue in this behalf, take the command of all municipal officers and servants present, and of any other persons who voluntarily place their services at his disposal; and may—

(*a*) remove, or order any fireman or other officer or person under his command to remove, any persons who interfere by their presence with the operations of the fire-brigade;

(*b*) take generally any measures that appear expedient for the protection of life and property, with power, by himself or by the persons under his command, to break into or through or take possession of, or pull down any premises for the purpose of putting an end to such fire, doing as little damage as possible;

(*c*) cause the water to be shut off from the mains and pipes of any district in order to give a greater supply and pressure of water in the district in which the fire has occurred and utilize the water of any well or tank available for the purpose of extinguishing such fire.

Police and municipal officers and servants to aid the fire-brigade.

362. It shall be the duty of all police-officers and of all municipal officers and servants to aid the fire-brigade in the execution of their duties. They may close any street in or near which a fire is burning and remove any persons who interfere by their presence with the operations of the fire-brigade.

Damages done by fire-brigade to be deemed damage by fire.

363. Any damage occasioned by the fire-brigade in the due execution of their duties, or by any police or municipal officer or servant who aid the

fire-brigade, shall be deemed to be damage by fire within the meaning of any policy of insurance against fire.

Reports of fires to be submitted.

364. A report of every fire which occurs in the city shall be submitted by the chief or other officer in charge of the fire-brigade, not later than the day following the fire, to the Commissioner, who shall make such further inquiry, if any, as he may deem necessary and shall furnish a weekly return of all fires which occur in the city to the standing committee.

CHAPTER XV.

SANITARY PROVISIONS.

Scavenging and Cleansing.

Commissioner to provide for cleansing of streets and removal of refuse.

365. For the purpose of securing the efficient scavenging and cleansing of all streets and premises, the Commissioner shall take measures for securing—

(*a*) the daily surface-cleansing of all streets in the city and the removal of the sweepings therefrom;

(*b*) the removal of the contents of all receptacles and depôts and of the accumulations at all places provided or appointed by him under section 367 or 368 for the temporary deposit of any of the matters specified in the said sections.

Refuse, &c., to be the property of the corporation.

366. All matters collected by municipal servants or contractors in pursuance of the last preceding section and of section 369 shall be the property of the corporation.

Provision and appointment of receptacles, depôts and places for refuse, &c.

367. (*1*) The Commissioner shall provide or appoint in proper and convenient situations public receptacles, depôts and places for the temporary deposit or final disposal of—

(*a*) dust, ashes, refuse and rubbish;

(*b*) carcasses of dead animals, and excrementitious and polluted matter:

(*2*) Provided that—

(*c*) the said matters shall not be finally disposed of in any place or manner in which the same have not heretofore been so disposed of, without the sanction of the corporation or in any place or manner which Government think fit to disallow;

(*d*) any power conferred by this section shall be exercised in such manner as to create the least practicable nuisance.

Duty of occupiers to collect and deposit dust, &c.

368. (*1*) It shall be incumbent on the occupiers of all premises to cause all dust, ashes, refuse and rubbish to be collected from their respective premises and to be deposited at such times as the Commissioner, by public notice, from time to time prescribes, in the public receptacle, depôt or place provided or appointed under clause (*a*) of the last preceding section for the temporary deposit thereof:

(*2*) Provided that the Commissioner may, if he thinks fit, by written notice, require the occupier or owner of any land to cause all dust, ashes, refuse and rubbish to be collected daily, or otherwise periodically, from the said land and from any building standing thereon and deposited temporarily upon any place forming a part of the said land which the Commissioner appoints in this behalf, and it shall be incumbent on the said occupier to cause the said matters to be collected and deposited accordingly.

Provision may be made by Commissioner for collection, &c., of excrementitious and polluted matter.

369. When the Commissioner has given public notice, under clause (*a*) of section 142, of his intention to provide, in a certain portion of the city, for the collection, removal and disposal, by municipal agency, of all excrementitious and polluted matter from privies, urinals and cesspools, it shall be lawful for the Commissioner to take measures for the daily collection, removal and disposal of such matter from all premises situate in the said portion of the city.

Collection and removal of excrementitious and polluted matter when to be provided for by occup

370. It shall be incumbent on the occupier of any premises situate in any portion of the city for which the Commissioner has not given a public notice under clause (*a*) of section 142 and in which there is not a water-closet or privy connected with a municipal drain, to cause all excrementitious and polluted matter accumulating upon his premises to be collected and to be conveyed to the nearest receptacle or depôt provided for this purpose under clause (*b*) of section 367, at such times, in such vehicle or vessel, by such route and with such precautions, as the Commissioner by public notice from time to time prescribes.

Halálkhors' duties in certain cases may not be discharged by private individuals without the Commissioner's permission.

371. In any portion of the city in which the Commissioner has given a public notice under clause (*a*) of section 142, and in any premises, wherever situate, in which there is a water-closet or privy connected with a municipal drain, it shall not be lawful, except with the written permission of the Commissioner, for any person, who is not employed by or on behalf of the Commissioner, to discharge any of the duties of halálkhors.

Prohibition of—

372. No person—

failure to remove refuse, &c., when bound to do so;

(*a*) who is bound, under section 368 or section 370, to cause the removal of dust, ashes, refuse and rubbish, or of excrementitious or polluted matter, shall allow the same to accumulate on his premises for more than twenty-four hours, or neglect to cause the same to be removed to the depôt, receptacle or place provided or appointed for the purpose;

removal of refuse, etc., contrary to orders or without proper precautions;

(*b*) shall remove any dust, ashes, refuse or rubbish, or any excrementitious or polluted matter, otherwise than in conformity with the requirements of any public or written notice at the time being in force under section 368, or use for the removal of any excrementitious or polluted matter

any vehicle or vessel not having a covering proper for preventing the escape of any portion of the contents thereof or of the stench therefrom;

failure to clear away any refuse, etc., which drops during removal;

(*c*) shall, whilst engaged in the removal of any dust, ashes, refuse or rubbish, or of any excrementitious or polluted matter, fail forthwith thoroughly to sweep and cleanse the spot in any street upon which, during removal, any portion thereof may fall, and entirely to remove the sweepings;

leaving filth carts, etc., unnecessarily in the streets;

(*d*) shall place or set down in any street any vehicle or vessel for the removal of excrementitious or polluted matter, or suffer the same to remain in any street for any greater length of time than is reasonably necessary;

throwing or placing refuse, etc., in any place not assigned for the purpose;

(*e*) shall throw or place any dust, ashes, refuse or rubbish, or any excrementitious or polluted matter, on any street, or in any place not provided or appointed for this purpose under section 367 or 368;

allowing filthy matter to flow or soak from any premises, and keeping anything thereupon so as to create a nuisance.

(*f*) who is the owner or occupier of any building or land, shall allow any filthy matter to flow, soak or be thrown therefrom, or keep or suffer to be kept therein or thereupon, anything so as to be a nuisance to any person, or negligently suffer any privy-receptacle or other receptacle or place for the deposit of filthy matter or rubbish on his premises to be in such a state as to be offensive or injurious to health.

Presumption as to offender under clause (*e*) of section 372.

373. If it shall in any case be shown that dust, ashes, refuse or rubbish, or any excrementitious or polluted matter, has or have been thrown or placed on any street or place, in contravention of clause (*e*) of the last preceding section, from some building or land, it shall be presumed, until the contrary is proved, that the said offence has been committed by the occupier of the said building or land.

Inspection and Sanitary Regulation of Premises.

Power to inspect premises for sanitary purposes.

374. The Commissioner may inspect any building or other premises for the purpose of ascertaining the sanitary condition thereof.

Cleansing and lime-washing of any building may be required.

375. If it shall appear to the Commissioner necessary for sanitary reasons so to do, he may, by written notice, require the owner or occupier of any building so inspected, to cause the same or some portion thereof to be lime-washed or otherwise cleansed, either externally or internally, or both externally and internally.

Abandoned or unoccupied premises.

376. If any premises, by reason of their being abandoned or unoccupied, become a resort of disorderly persons or, in the opinion of the Commissioner, a nuisance, the Commissioner, after such inquiry as he deems necessary, may give written notice to the owner of such premises, if he be known and resident within the city, or to any person who is known or believed to claim to be the owner, if such person is resident within the city, and shall also affix a copy of the said notice on some conspicuous part of the said premises, requiring all persons having any right of property or interest therein to take such order with the said premises as shall, in the opinion of the Commissioner, be necessary to prevent the same from being resorted to as aforeaid or from continuing to be a nuisance.

Neglected premises.

377. (*1*) If it shall appear to the Commissioner that any premises are overgrown with rank and noisome vegetation or are otherwise in an unwholesome or filthy condition or, by reason of their not being properly enclosed, are resorted to by the public for purposes of nature, or are otherwise a nuisance to the neighbouring inhabitants, the Commissioner may, by written notice, require the owner or occupier of such premises to cleanse, clear or enclose the same, or, with the approval of the

standing committee, may require him to take such other order with the same as the Commissioner thinks necessary :

(*2*) Provided that, in so far as the unwholesome or filthy condition of such premises or such nuisance as above-mentioned is caused by the discharge from or by any defect in the municipal drains or appliances connected therewith, it shall be incumbent on the Commissioner to cleanse such premises.

Buildings unfit for human habitation.

378. (*1*) If, for any reason, any building intended for or used as a dwelling shall appear to the Commissioner to be unfit for human habitation, he may apply to the Chief Presidency Magistrate to prohibit the further use of such building for such purpose; and the said Magistrate, after such inquiry as he thinks fit to make, may, by written order, make a prohibition as aforesaid or may pass such other order as he shall deem just and proper.

(*2*) When any such prohibition has been made, no owner or occupier of such building shall use or suffer the same to be used for human habitation, until the Commissioner certifies in writing that the causes rendering it unfit for human habitation have been removed to his satisfaction, or the Chief Presidency Magistrate, by a written order, withdraws the prohibition aforesaid.

Power of Commissioner to call for statement of accommodation.

[a]**379.** (*1*) The owner of a building shall, within a period of seven days after receipt of a written notice from the Commissioner, sign and give a certificate of the following particulars with respect to such building or any part thereof :

(*a*) the total number of rooms in the building,

(*b*) the length, breadth and height of each room, and

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[a] Section 379 was substituted for the original section by Bom. V of 1905, s. 55.

(*c*) the name of the person to whom he has let the building or each part of the building occupied as a separate tenement.

(*2*) The occupier of a building or of any part of a building occupied as a separate tenement shall, on like notice and within the like period, sign and give a certificate of the following particulars with respect to such building or part of such building as aforesaid which is in his occupation :

(*a*) the total number of persons dwelling in the building or any part of it,

(*b*) the manner of use of each room by day and by night, and

(*c*) the number, sex and age of the occupants of each room used for sleeping.

Overcrowded dwellings.

[a] **379A.** (*1*) Where it appears to the Commissioner, whether from any certificate furnished under section 379 or otherwise, that any building or any room or rooms therein used for human habitation is overcrowded, he may apply to a Presidency Magistrate to prevent such overcrowding ; and the said Magistrate, after such inquiry as he thinks fit to make, may prescribe the maximum number of persons to be accommodated in each room and may, by written order, require the owner of the building, within a reasonable time not exceeding ten days to be prescribed in the said order, to abate the overcrowding thereof, by reducing the number of lodgers, tenants, or other inmates of the said building or room or rooms, in accordance with the maximum so prescribed and to the satisfaction of the Commissioner, or may pass such other order as he may deem just and proper.

(*2*) Where the owner of the said building has sublet the same, the landlord of the lodgers, tenants

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[a] Section 379A was inserted by Bom. V of 1905, s. 55.

or other actual inmates of the same shall, for the purposes of this section, be deemed to be the owner of the said building.

(*3*) Every tenant, lodger or other inmate of the said building shall vacate on being required by the owner so to do in pursuance of any order under sub-section (*1*).

(*4*) A room used exclusively as a dwelling shall be deemed to be overcrowded within the meaning of this section when the number of adult inmates is such that the amount of floor space available for each adult inmate is less than twenty-five superficial feet and for each person under the age of ten years less than twelve and one half superficial feet, or when the air space for each adult inmate is less than two hundred and fifty cubic feet, two children under ten years of age counting as one adult.

(*5*) A room not exclusively used as a dwelling shall be deemed to be overcrowded within the meaning of this section when the number of adult inmates is such that the amount of floor space available for each adult inmate is less than thirty superficial feet, and for each person under the age of ten years less than fifteen superficial feet, or when the air space for each adult inmate is less than three hundred cubic feet, two children under ten years of age counting as one adult.

Insanitary huts and sheds.

380. If the Commissioner is of opinion that any hut or shed, used either as a dwelling or as a stable or for any other purpose, is likely, by reason of its being built without a plinth or upon a plinth of insufficient height or without proper means of drainage, or on account of the impracticability of scavenging, or owing to the manner in which it and other huts or sheds are crowded together, to cause risk of disease to the inmates thereof or to the inhabitants of the neighbourhood, or is for any

reason likely to endanger the public health or safety;

he may, by written notice, which shall be affixed to some conspicuous part of such hut or shed, require the owner or occupier thereof, or the owner of the land on which such hut or shed stands, to remove or alter such hut or shed or to take such order for the improvement thereof as the Commissioner shall deem necessary.

Filling in of pools, etc., which are a nuisance.

381. If, in the opinion of the Commissioner, any pool, ditch, tank, pond, well, quarry-hole, low ground or stagnant water is or is likely to become a nuisance, the Commissioner may, with the approval of the standing committee, by notice in writing, require the owner thereof to cleanse, fill up, drain off or remove the same or to take such other order therewith as the Commissioner shall deem necessary.

Dangerous quarrying may be stopped.

382. If, in the opinion of the Commissioner, the working of any quarry, or the removal of stone, earth or other material from any place, is dangerous to persons residing in or having legal access to the neighbourhood thereof or creates or is likely to create a nuisance, the Commissioner may, with the approval of the standing committee, by written notice, require the owner of the said quarry or place to discontinue working the same or to discontinue removing stone, earth or other material from such place, or to take such order with such quarry or place, as he shall deem necessary for the purpose of preventing danger or of abating the nuisance arising or likely to arise therefrom.

Removal and trimming of trees, shrubs and hedges.

383. (*1*) If, in the opinion of the Commissioner,—

(*a*) any hedge is at any time insufficiently cut or trimmed, or overgrown with prickly-pear or other rank vegetation; or

(*b*) any tree or shrub has fallen or is likely to fall, to the danger of public safety, or over-hangs or obstructs any street to the inconvenience or danger of passengers therein;

the Commissioner may, by written notice, require the owner or occupier of the land on which such hedge, tree or shrub is or has been growing—

(*c*) to cut down such hedge to a height not exceeding four feet and to a width not exceeding three feet, and to remove any such prickly-pear or other rank vegetation therefrom; or

(*d*) to remove, cut, lop or trim such tree or shrub, as the case may be.

(*2*) In any case falling under clause (*b*), the Commissioner may, if for the public safety it shall appear to him necessary so to do, cause any tree or shrub to be removed, cut, lopped or trimmed, without previously giving the said owner or occupier notice as aforesaid, and the expenses thereof shall, nevertheless, be paid by the owner or occupier.

Keeping and Destruction of Animals and Disposal of Carcasses.

384. (*1*) No person shall—

Prohibitions as to keeping animals.

(*a*) without the written permission of the Commissioner, or otherwise than in conformity with the terms of such permission, keep any swine in any part of the city;

(*b*) keep any animal on his premises so as to be a nuisance or dangerous to any person;

(*c*) feed any animal, or suffer or permit any animal to be fed or to feed, with or upon excrementitious matter, dung, stable-refuse or other filthy matter.

(*2*) Any swine found straying may be forthwith destroyed and the carcass thereof disposed of as the Commissioner shall direct. No claim shall lie for compensation for any swine so destroyed.

Removal of carcasses of dead animals.

385. (*1*) The occupier of any premises in or upon which any animal shall die or upon which the carcass of any animal shall be found, and the person having the charge of any animal which dies in a street or in any open place, shall, within three hours after the death of such animal, or if the death occurs at night, within three hours after sunrise, either—

(*a*) remove the carcass of such animal to some receptacle, depôt or place appointed by the Commissioner under clause (*b*) of section 367 for the temporary deposit or final disposal of such carcasses, or

(*b*) report the death of the animal to an officer of the health department of the division of the city in which the death occurred, with a view to his causing the same to be removed.

(*2*) When any carcass is so removed by the health department, a fee for the removal, of such amount as shall be fixed by the Commissioner shall be paid by the owner of the animal or, if the owner is not known, by the occupier of the premises in or upon which, or by the person in whose charge, the same died.

Regulation of Public Bathing, Washing, &c.

Places for public bathing, etc., to be fixed by the Commissioner.

386. The Commissioner may from time to time set apart portions of the seashore or other suitable places vesting in the corporation for use by the public for bathing, for the washing of animals or for drying clothes, and may from time to time, by public notice, prohibit the use by the public of any portion of the seashore or place not vesting in the corporation for any of the said purposes.

Regulation of use of public bathing places, etc.

387. (*1*) The Commissioner may, by public notice, regulate the use by the public—

(*a*) of any portion of the seashore or other place vesting in the corporation set apart by him for any purpose under the last preceding section;

(*b*) of any portion of the seashore or other place not vesting in the corporation used, with his acquiescence, for any purpose mentioned in the last preceding section;

(*c*) of any work and of the water in any work assigned and set apart under section 270 for any particular purpose.

(*2*) In the case of any portion of the seashore or of any place or work set apart, assigned or used as aforesaid for bathing, the Commissioner may, in such notice, prescribe the times and places of bathing for persons of each sex.

Prohibition of bathing, etc., contrary to order or regulation.

388. Except as permitted by any order or regulation made under section 270, 386 or 387, no person shall—

(*a*) bathe in or near any lake, tank, reservoir, fountain, cistern, duct, standpipe, stream or well or on any part of the seashore or other place vesting in the corporation;

(*b*) wash or cause to be washed in or near any such place or work, any animal, clothes or other article;

(*c*) throw, put or cause to enter into the water in any such place or work, any animal or other thing;

(*d*) cause or suffer to drain into or upon any such place or work, or to be brought thereinto or thereupon, anything, or do anything, whereby the water shall be in any degree fouled or corrupted;

(*e*) dry clothes in or upon any such place.

And no person shall—

(*f*) in contravention of any prohibition made by the Commissioner under section 386, use any portion of the seashore or any place not vesting in the corporation for any purpose mentioned in the said section;

(*g*) contravene any regulation made by the Commissioner under section 387 for the use of any such portion of the seashore or place for any such purpose.

Prohibition of corruption of water by steeping therein animal or other matter, etc.

389. No person shall—

(*a*) steep in any tank, reservoir, stream, well or ditch any animal, vegetable or mineral matter likely to render the water thereof offensive or dangerous to health;

(*b*) whilst suffering from any contagious or loathsome disease, bathe in or near any lake, tank, reservoir, fountain, cistern, duct, standpipe, stream or well or on any part of the seashore.

Regulation of Factories, Trades, &c.

Factory, etc., not to be newly established without permission of the Commissioner.

390. (*1*) No person shall newly establish in any premises any factory, workshop or workplace in which it is intended that steam, water or other mechanical power shall be employed, without the previous written permission of the Commissioner.

(*2*) The Commissioner may refuse to give such permission if he shall be of opinion that the establishment of such factory, workshop or workplace in the proposed position is objectionable by reason of the density of the population in the neighbourhood thereof, or will be a nuisance to the inhabitants of the neighbourhood.

Furnaces used in trade or manufacture to consume their own smoke.

391. (*1*) No person shall—

(*a*) use or permit to be used any furnace employed for the purpose of any trade or manufacture, which does not, so far as practicable, consume its own smoke; or

(*b*) so negligently use or permit to be used any such furnace as that it shall not, as far as practicable, consume its own smoke.

(*2*) Nothing in this section shall be deemed to apply to a locomotive engine used for the purpose of traffic upon any railway or for the repair of streets.

Sanitary regulation of factories, bakehouses, etc.

392. (*1*) Whenever it shall appear to the Commissioner that any factory, bakehouse, workshop or workplace, or any building or place in which steam, water or other mechanical power is employed, is not kept in a cleanly state or is not ventilated in such a manner as to render harmless, as far as practicable, any gas, vapour, dust or other impurity generated in the course of the work carried on therein, which is a nuisance,

or is so overcrowded while work is carried on as to be dangerous or injurious to the health of the persons employed therein,

or that any engine, mill-gearing, hoist or other machinery therein is so fixed or so insecurely fenced as to be dangerous to life or limb;

the Commissioner may, by written notice, require the owner of such factory, bakehouse, workshop, workplace or other building or place to take such order for putting and maintaining the same in a cleanly state, or for ventilating the same, or for preventing the same from being overcrowded, or for preventing danger to life or limb from any engine, mill-gearing, hoist or other machinery therein, as he shall think fit.

(*2*) Nothing in this section shall be deemed to affect any provision of the Bombay Boiler Inspection Act, 1887 [a], and nothing in this section which relates to the fixing or fencing of any engine, mill-gearing, hoist or other machinery shall apply in any factory to which the provisions of the Indian Factory Act, 1881, are applicable.

Bom. III of 1887.

XV of 1881.

393. (*1*) No person shall, without the written permission of the Commissioner, use or employ in any factory or any other place, any steam-whistle or steam-trumpet for the purpose of summoning or dismissing workmen or persons employed.

Prohibition of use of steam-whistle or steam-trumpet without permission of the Commissioner.

(*2*) The Commissioner may at any time revoke any permission which he has given for the use of any such instrument as aforesaid, on giving one month's notice to the person using the same:

(*3*) Provided that nothing in sub-section (*2*) shall be deemed to require one month's notice to be given by the Commissioner, if he suspends or revokes any such permission for any reason specified in sub-section (*3*) of section 479.

394. (*1*) No person shall use any premises for any of the purposes hereinbelow mentioned, without, or otherwise than in conformity with the terms of, a license granted by the Commissioner in this behalf, namely—

Certain trades not to be carried on without license.

(*a*) any of the purposes specified in Schedule M;

(*b*) any purpose which is, in the opinion of the Commissioner, dangerous to life, health or property, or likely to create a nuisance;

(*c*) keeping horses, cattle or other four-footed animals for sale or hire or for sale of the produce thereof;

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[a] Bom. III of 1887 is repealed by Bom. II of 1891.

(*d*) storing for other than domestic use, or selling timber, firewood, charcoal, coal, coke, ashes, hay, grass, straw or any other combustible thing.

(*2*) Every person, to whom a license is granted by the Commissioner to use any premises for any of the purposes mentioned in sub-section (*1*), shall keep affixed in a conspicuous part of the said premises a board upon which shall be legibly written in English, and also in either Maráthi, Gujaráti or Urdu, the following particulars, namely—

(*e*) the licensee's name;

(*f*) the purpose for which and the limitations and conditions subject to which the license is granted;

(*g*) any other details relating to the license or the terms thereof, which the Commissioner from time to time thinks fit to require.

(*3*) Nothing in this section shall be deemed to apply to mills for spinning or weaving cotton, wool, silk or jute.

Prohibition of corruption of water by chemicals, etc.

395. (*1*) No person engaged in any trade or manufacture specified in Schedule M shall—

(*a*) wilfully cause or suffer to be brought or to flow into any lake, tank, reservoir, cistern, well, duct or other place for water belonging to the corporation, or into any drain or pipe communicating therewith, any washing or other substance produced in the course of any such trade or manufacture as aforesaid;

(*b*) wilfully do any act connected with any such trade or manufacture as aforesaid, whereby the water in any such lake, tank, reservoir, cistern, well, duct or other place for water is fouled or corrupted.

(*2*) The Commissioner may, after giving not less than twenty-four hours' previous notice in writing to the owner or to the person who has the management or control of any works, pipes or conduits connected with any such manufacture or trade as aforesaid, lay open and examine the said works, pipes or conduits;

and if, upon such examination, it appears that sub-section (*1*) has been contravened by reason of anything contained in or proceeding from the said works, pipes or conduits, the expenses of such laying open and examination and of any measure which the Commissioner shall, in his discretion, require to be adopted for the discontinuance of the cause of such contravention, shall be paid by the owner of the said works, pipes or conduits, or by the person who has the management or control thereof or through whose neglect or fault the said sub-section has been contravened;

but if it appear that there has been no contravention of the said sub-section, the said expenses and compensation for any damage occasioned by the said laying open and examination shall be paid by the Commissioner.

Inspection of premises used for manufactures, etc.

396. (*1*) The Commissioner may at any time, by day or by night, without notice, enter into or upon any premises used for any of the purposes mentioned in section 394, and upon any premises in which a furnace is employed for the purpose of any trade or manufacture, and into any bakehouse, in order to satisfy himself as to whether any provision of this Act or any by-law made under this Act at the time in force or any condition of any license granted under this Act is being contravened, and as to whether any nuisance is created upon such premises.

(*2*) No claim shall lie against any person for compensation for any damage necessarily caused by any such entry or by the use of any force necessary for effecting such entry: Provided that force shall not be used for effecting an entry, unless when there is reason to believe that an offence is being committed against some provision of this Act or some by-law made under this Act.

Regulation of washing of clothes by washermen.

397. (*1*) The Commissioner may, by public notice, prohibit the washing of clothes by washermen in the exercise of their calling, except at such places as he shall appoint for this purpose; and, when any such prohibition has been made, no person who is by calling a washerman shall wash clothes at any place not appointed for this purpose by the Commissioner, except for such person himself or for the owner or occupier of such place.

Washing-places to be provided by the Commissioner for washermen.

(*2*) The Commissioner shall provide suitable places for the exercise by washermen of their calling, and may require payment of such fees for the use of any such place as shall from time to time be determined by the Commissioner, with the approval of the standing committee.

Maintenance and Regulation of Markets and Slaughter-houses.

What to be deemed municipal markets and slaughter-houses.

398. All markets and slaughter-houses which belong to or are maintained by the corporation shall be called "municipal markets" or "municipal slaughter-houses." All other markets and slaughter-houses shall be deemed to be private.

Provision of new municipal markets and slaughter-houses.

399. (*1*) The Commissioner, when authorized by the corporation in this behalf, may construct, purchase or take on lease any building or land for the purpose of establishing a new municipal market or a new municipal slaughter-house or of extending or improving any existing municipal market or

slaughter-house, and may from time to time build and maintain such municipal markets and slaughter-houses and such stalls, shops, sheds, pens and other buildings or conveniences for the use of the persons carrying on trade or business in, or frequenting, such municipal markets or slaughter-houses, and provide and maintain in such municipal markets such buildings, places, machines, weights, scales and measures for weighing and measuring goods sold therein, as he shall think fit.

(*2*) Municipal slaughter-houses may be situate within or, with the sanction of Government, without the city.

Municipal markets and slaughter-houses may be closed.

400. The Commissioner may, with the sanction of the corporation and of Government, at any time, close any municipal market or slaughter-house; and the premises occupied for any market or slaughter-house so closed may be disposed of as the property of the corporation.

Prohibition of sale in a municipal market without license of Commissioner.

401. (*1*) No person shall, without a license from the Commissioner, sell or expose for sale any animal or article in any municipal market.

(*2*) Any person contravening this section may be summarily removed by the Commissioner or by any municipal officer or servant.

Opening of new private markets.

402. (*1*) The corporation shall from time to time determine whether the establishment of new private markets shall be permitted in the city or in any specified portion of the city.

(*2*) No person shall establish a new private market for the sale of, or for the purpose of exposing for sale, animals intended for human food, or any other article of human food, except with the sanction of the Commissioner, who shall be guided in giving such sanction by the decisions of the corporation at the time in force under sub-section (*1*).

(*3*) When the establishment of a new private market has been so sanctioned, the Commissioner shall cause a notice of such sanction to be affixed in the English, Maráthi, Gujaráti and Urdu languages on some conspicuous spot on or near the building or place where such market is to be held.

Private markets not to be kept open without a license.

403. (*1*) No person shall without, or otherwise than in conformity with the terms of, a license granted by the Commissioner in this behalf—

(*a*) keep open a private market;

(*b*) use any place in the city as a slaughter-house or for the slaughtering of any animal intended for human food;

(*c*) use any place without the city, whether as a slaughter-house or otherwise, for the slaughtering of any animal intended for human food to be consumed in the city:

(*2*) Provided that—

(*d*) the Commissioner shall not refuse, cancel or suspend any license for keeping open a private market for any cause other than the failure of the owner thereof to comply with some provision of this Act, or with some regulation framed under section 406 or with some by-law made under this Act, at the time in force; and shall not cancel or suspend any such license without the approval of the standing committee;

(*e*) nothing in this section shall be deemed to prevent the Commissioner from granting written permission for the slaughter of an animal in any place that he thinks fit, on the occasion of any festival or ceremony or under special circumstances.

(*3*) When the Commissioner has refused, cancelled or suspended any license to keep open a

private market, he shall cause a notice of his having so done to be affixed in the English, Maráthi, Gujaráti and Urdu languages on some conspicuous spot on or near the building or place where such market has been held.

Prohibition of sale in unauthorised private markets.

404. No person who knows that any private market has been established without the sanction of the Commissioner, or is kept open after a license for keeping the same open has been refused, cancelled or suspended by the Commissioner, shall sell or expose for sale therein any animal or article of food.

Provision for requiring private market-buildings and slaughter-houses to be properly paved and drained.

405. The Commissioner may, by written notice, require the owner, farmer or occupier of any private market or slaughter-house, to cause—

(*a*) the whole or any portion of the floor of the market-building, market-place or slaughter-house to be paved with dressed stone or other suitable material;

(*b*) such drains to be made in or from the market-building, market-place, or slaughter-house, of such material, size and description, at such level and with such outfall, as to the Commissioner may appear necessary.

Regulations to be framed for markets and slaughter-houses.

406. The Commissioner may, with the approval of the standing committee from time to time make regulations, not inconsistent with any provision of this Act or of any by-law made under this Act at the time in force—

(*a*) for preventing nuisances or obstruction in any market-building, market-place or slaughter-house or in the approaches thereto;

(*b*) fixing the days and the hours on and during which any market or slaughter-house may be held or kept open for use;

(*c*) for keeping every market-building, market-place and slaughter-house in a cleanly and proper state, and for removing filth and refuse therefrom;

(*d*) requiring that any market-building, market-place or slaughter-house be properly ventilated and be provided with a sufficient supply of water;

(*e*) requiring that in market-buildings and market-places, passages be provided between the stalls of sufficient width for the convenient use of the public.

Levy of stallages, rents and fees in municipal markets and slaughter-houses.

407. The Commissioner may —

(*a*) charge for the occupation or use of any stall, shop, standing, shed or pen in a municipal market or slaughter-house, and for the right to expose goods for sale in a municipal market, and for weighing and measuring goods sold in any such market and for the right to slaughter animals in any municipal slaughter-house, such stallages, rents and fees as shall from time to time be fixed by him, with the approval of the standing committee, in this behalf; or

(*b*) with the approval of the standing committee, farm the stallages, rents and fees leviable as aforesaid or any portion thereof, for any period not exceeding one year at a time; or

(*c*) put up to public auction, or, with the approval of the standing committee, dispose of, by private sale, the privilege of occupying or using any stall, shop, standing, shed or pen in a municipal market or slaughter-house for such term and on such conditions as he shall think fit.

Regulations and table of stallage-rents to be posted up in markets and slaughter-houses.

408. (*1*) A printed copy of the regulations and of the table of stallages, rents and fees, if any, in force in any market or slaughter-house under the two last preceding sections, in the English, Maráthi, Gujaráti and Urdu languages, shall be affixed in some conspicuous spot in the market-building, market-place or slaughter-house.

(*2*) No person shall, without authority, destroy, pull down, injure or deface any copy of any regulation or table so affixed.

Power to expel persons contravening by-laws or regulations.

409. The Commissioner may expel from any municipal market or slaughter-house any person, who or whose servant has been convicted of contravening any by-law made under this Act, or any regulation made under section 406, at the time in force in such market or slaughter-house and may prevent such person, by himself or his servants, further carrying on any trade or business in such market or slaughter-house or occupying any stall, shop, standing, shed, pen or other place therein, and may determine any lease or tenure which such person may have in any such stall, shop, standing, shed, pen or place.

Sale of Articles of Food outside of Markets.

Prohibition of sale of animals, &c., except in a market.

410. (*1*) Except as hereinafter provided, no person shall, without a license from the Commissioner, sell or expose for sale any four-footed animal or any meat or fish intended for human food, in any place other than a municipal or private market:

(*2*) Provided that nothing in sub-section (*1*) shall apply to fresh fish sold from, or exposed for sale in, a vessel in which it has been brought direct to the seashore after being caught at sea.

Licensing of Butchers, &c.

Butchers and persons who sell the flesh of animals to be licensed.

411. No person shall without, or otherwise than in conformity with the terms of, a license granted by the Commissioner in this behalf—

(*a*) carry on within the city, or at any municipal slaughter-house, the trade of a butcher;

(*b*) use any place in the city for the sale of the flesh of any animal intended for human food, or any place without the city for the sale of such flesh for consumption in the city.

Prohibition of import of cattle, &c., into the city.

412. (*1*) No person shall, without the written permission of the Commissioner, bring into the city any cattle, sheep, goat or swine intended for human food, or the flesh of any such animal, which has been slaughtered at any slaughter-house or place not maintained or licensed under this Act.

(*2*) Any animal or flesh brought into the city in contravention of this section may be seized by the Commissioner or by any municipal officer or servant and be sold or otherwise disposed of as the Commissioner shall direct. The proceeds, if any, shall belong to the corporation.

(*3*) Nothing in this section shall be deemed to apply to cured or preserved meat.

Inspection of Places of Sale, &c.

Commissioner may enter any place where slaughter of animals or sale of flesh contrary to the provisions of this Act is suspected.

413. (*1*) If the Commissioner shall have reason to believe that any animal intended for human food is being slaughtered, or that the flesh of any such animal is being sold or exposed for sale, in any place or manner not duly authorised under the provisions of this Act, the Commissioner may at any time, by day or by night, without notice, enter such place for the purpose of satisfying himself as to whether any provision of this Act or of any by-law made under this Act at the time in force is being contravened thereat.

(*2*) No claim shall lie against any person for compensation for any damage necessarily caused by any such entry or by the use of any force necessary for effecting such entry.

Commissioner to provide for inspection of articles exposed for sale for human food.

414. It shall be the duty of the Commissioner to make provision for the constant and vigilant inspection of animals, carcasses, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, ghee, butter and any other article exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale or of preparation for sale and intended for human food or for medicine, the proof that the same was not exposed or hawked about or deposited or brought for any such purpose or was not intended for human food or for medicine resting with the party charged.

Unwholesome articles, &c., to be seized.

415 (*1*) The Commissioner may at all reasonable times inspect and examine any such animal or article as aforesaid and any utensil or vessel used for preparing, manufacturing or containing the same.

(*2*) If any such animal or article appears to the Commissioner to be diseased or unsound or unwholesome or unfit for human food or for medicine, as the case may be, or is not what it is represented to be, or if any such utensil or vessel is of such kind or in such state as to render any article prepared, manufactured or contained therein unwholesome or unfit for human food or for medicine, as the case may be,

he may seize and carry away such animal, article, utensil or vessel, in order that the same may be dealt with as hereinafter provided.

[a] *Explanation.*—Any article exposed, hawked about, deposited in or brought to any place as aforesaid for sale as ghee, which contains any substance not exclusively derived from milk, shall be deemed for the purposes of this section and of sections 417 and 417A to be an article which is not what it is represented to be.

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[a] This explanation was added to s. 415 by Bom. II of 1898, s. 5 (1) (*a*).

Disposal of perishable articles seized under section 415.

416. If any meat, fish, vegetable or other article of a perishable nature be seized under the last preceding section and the same is, in the opinion of the Commissioner, diseased, unsound, unwholesome or unfit for human food or for medicine, as the case may be,

the Commissioner shall cause the same to be forthwith destroyed in such manner as to prevent its being again exposed for sale or used for human food or for medicine, and the expenses thereof shall be paid by the person in whose possession such article was at the time of its seizure.

Disposal of animals and articles of a non-perishable nature seized under section 415.

417. (*1*) Any animal and any article not of a perishable nature and any utensil or vessel seized under section 415 shall be forthwith taken before a Presidency Magistrate.

(*2*) If it shall appear to such Magistrate that any such animal or article is diseased, unsound or unwholesome or unfit for human food, or for medicine, as the case may be, or is not what it was represented to be or that such utensil or vessel is of such kind or in such state as aforesaid,

[a] he may, and if it is diseased, unsound, unwholesome or unfit for human food and unfit for medicine he shall, cause [a] the same to be destroyed, at the charge of the person in whose possession it was at the time of its seizure, in such manner as to prevent the same being again exposed or hawked about for sale or used for human food or for medicine, or for the preparation or manufacture of, or for containing, any such article as aforesaid.

Penalty for representing

[b] **417A.** (*1*) In every case in which any article represented to be

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[a—a] These words were substituted for the original words by Bom. II of 1899, s. 6 (1) (*a*).

[b] Section 417A and proviso were inserted by Bom. II of 1899, s. 5 (1) (*b*) and (3) (*a*).

(*a*) ghee, or

(*b*) food of a kind to which by virtue of a notification under the Bombay Prevention of Adulteration Act, 1899, the provisions of this section are for the time being applicable,

any article to be what it is not.

appears to the Magistrate dealing therewith under section 417, not to be what it is represented to be, the owner thereof or person in whose possession the same was found, not being merely carrier or bailee thereof, shall, if in such case the provisions of section 273 of the Indian Penal Code do not apply, be punished with fine which may extend to one hundred rupees:

Act XLV of 1860.

(*2*) Provided that when any article of food referred to in sub-section (*1*) appears to the Magistrate not to be what it is represented to be, solely by reason of the fact that there has been added to it some substance not injurious to health, no offence shall be deemed to have been committed by the owner of the article or the person in whose possession the same is found, if such owner or person proves to the satisfaction of the Magistrate—

Protection to persons acting in good faith.

(*a*) that such substance has been added to the article of food, because the same is required for the production or preparation thereof, as an article of commerce, in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight or measure of the food or conceal the inferior quality thereof, or

(*b*) that in the process of production, preparation or conveyance of such article of food, the extraneous substance has unavoidably become intermixed therewith, or

(*c*) that, by a label distinctly and legibly written or printed on or with the said article of food or by other means of public description, he has given sufficient notice that such substance has been so added, or

(*d*) that—

(i) the said article was purchased by him with a written warranty that it was of a certain nature, substance and quality,

(ii) he had no reason to believe that it was not of such nature, substance and quality as aforesaid, and

(iii) it was not exposed, hawked about, or brought for sale by him otherwise than as an article of the nature, substance and quality specified in the written warranty, and was in the same state in which he purchased it.

Penalty for possessing food which appears to be diseased, unsound or unwholesome or unfit for human food.

[a] **417B.** In every case in which food, on being dealt with under section 417, appears to the Magistrate to be diseased, unsound or unwholesome or unfit for human food, the owner thereof or the person in whose possession it was found, not being merely bailee or carrier thereof shall, if in such case the provisions of section 273 of the Indian Penal Code do not apply, be punished with fine which may extend to one hundred rupees. Act XLV of 1860.

Application for summons to be refused if not applied for within reasonable time.

[a] **417C.** In all prosecutions under section 417A or 417B the Magistrate shall refuse to issue a summons for the attendance of any person accused of an offence against such section, unless the summons is applied for within a reasonable time from the alleged date of the offence of which such person is accused.

Weights and Measures.

Provision of standards of local weights and measures.

418. (*1*) The Commissioner shall from time to time provide such local standards of measure and weight [b] as he deems requisite for the purpose of

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[a] Sections 417B and 417C were inserted by Bom. II of 1899, s. 6 (1) (*b*).

[b] It is provided by s. 7 of the Measures of Length Act, 1889, that the Municipal Commissioner in the City of Bombay shall keep, under Bom. III of 1888, s. 418, such certified measures of the standard yard, standard foot and standard inch as are mentioned in s. 5 of the former Act.

verification of weights and measures in use in the city and shall make such arrangement as he shall think fit for the safe keeping of the said standards.

(2) The Commissioner shall also provide from time to time proper means for verifying weights and measures by comparison with the said standards and for stamping the weights and measures so verified.

Verification and stamping of weights and measures by municipal officer.

419. (1) The Commissioner shall from time to time fix the times and places at which some municipal officer appointed by him in this behalf shall attend for the purpose of the verification of weights and measures.

(2) The municipal officer so appointed, shall attend, with the local standards in his custody, at each time and place fixed, and shall examine every measure or weight which is of the same denomination as one of such standards and is brought to him for the purpose of verification, and compare the same with that standard, and, if he find the same correct, shall stamp it with a stamp of verification in such manner as best to prevent fraud.

(3) The said municipal officer shall enter in a book kept by him minutes of every such verification and give, if required, a certificate under his hand of every such stamping.

Fees for comparison and stamping.

420. There shall be payable to the corporation in respect of the verification and stamping of weights and measures by a municipal officer as aforesaid such fees as the Commissioner, with the approval of the corporation, from time to time fixes in this behalf.

Prevention of Spread of Dangerous Diseases.

Information to be given of existence of dangerous disease.

421. Every medical practitioner who treats or becomes cognizant of the existence of any dangerous disease in any private or public dwelling, other

than a public hospital, shall give information of the same with the least practicable delay to the executive health officer. The said information shall be communicated in such form and with such details as the executive health officer, with the consent of the Commissioner, may from time to time require.

Any place may at any time be inspected for purpose of preventing spread of dangerous disease.

422. The Commissioner may at any time, by day or by night, without notice, or after giving such notice of his intention as shall, in the circumstances, appear to him to be reasonable, inspect any place in which any dangerous disease is reputed or suspected to exist, and take such measures as he shall think fit to prevent the spread of the said disease beyond such place.

Prohibition of use for drinking of water likely to cause dangerous disease.

423. (*1*) If it shall appear to the Commissioner that the water in any well, tank or other place is likely, if used for drinking, to engender or cause the spread of any dangerous disease, he may, by public notice, prohibit the removal or use of the said water for the purpose of drinking.

(*2*) No person shall remove or use for the purpose of drinking any water in respect of which any such public notice has been issued.

Commissioner may order removal of patients to hospital.

424. (*1*) The Commissioner or any police officer empowered by him in this behalf may, on a certificate signed by the executive health officer or by any duly qualified medical practitioner, direct or cause the removal of any person who is, in the opinion of such executive health officer or other medical practitioner, without proper lodging or accommodation, or who is lodged in a building occupied by more than one family, and who is suffering from a dangerous disease, to any hospital or place at which patients suffering from the said disease are received for medical treatment.

(*2*) The person, if any, who has charge of a person in respect of whom an order is made under sub-section (*1*) shall obey such order.

Disinfection of buildings, &c.

425. (*1*) If the Commissioner is of opinion that the cleansing or disinfecting of a building, or of a part of a building, or of any article therein likely to retain infection, would tend to prevent or check the spread of any dangerous disease, he may, by written notice, require the owner or occupier of such building to cleanse or disinfect such building or part thereof or article therein and, if it shall appear to the Commissioner necessary, to vacate the said building for such time as shall be prescribed in the said notice:

(*2*) Provided that, if, in the opinion of the Commissioner, the owner or occupier is from poverty or other cause unable effectually to comply with such requisition, the Commissioner may cause the building or part of the building or article likely to retain infection to be cleansed or disinfected and defray the cost of so doing.

Destruction of huts and sheds, when necessary.

426. (*1*) If the Commissioner is of opinion that the destruction of any hut or shed is necessary to prevent the spread of any dangerous disease, he may, after giving to the owner or occupier of such hut or shed such previous notice of his intention as may in the circumstances of the case appear to him reasonable, take measures for having such hut or shed and all the materials thereof destroyed.

(*2*) Compensation may be paid by the Commissioner, in any case which he thinks fit, to any person who sustains substantial loss by the destruction of any such hut or shed; but, except as so allowed by the Commissioner, no claim for compensation shall lie for any loss or damage caused by any exercise of the power conferred by this section.

Place for disinfection may be provided;

427. (*1*) The Commissioner may provide a place, with all necessary apparatus and attendance, for the disinfection of clothing, bedding or other articles which have become infected, and in his

discretion may have articles, brought to such place for disinfection, disinfected on payment of such fees as he shall from time to time fix, with the approval of the standing committee, in this behalf, or, in any case in which he thinks fit, free of charge.

also for washing infected articles.

(*2*) The Commissioner may, from time to time, by public notice appoint a place at which clothing, bedding or other articles which have been exposed to infection from any dangerous disease may be washed; and no person shall wash any such article at any place not so appointed without having previously disinfected the same.

Infected articles may be destroyed.

(*3*) The Commissioner may direct the disinfection or destruction of bedding, clothing or other articles likely to retain infection.

(*4*) The Commissioner may, in his discretion, give compensation for any article destroyed under sub-section (*3*).

Person suffering from dangerous disease not to enter a public conveyance without notifying the same.

428. (*1*) No person who is suffering from a dangerous disease shall enter a public conveyance without previously notifying to the owner, driver or person in charge of such conveyance that he is so suffering.

(*2*) Notwithstanding anything contained in any Act relating to public conveyances for the time being in force, no owner or driver or person in charge of a public conveyance shall be bound to carry any person suffering as aforesaid in such conveyance unless payment or tender of sufficient compensation for the loss and expenses he must incur in disinfecting such conveyance is first of all made to him.

Provision of carringes for conveyance of patients.

429. The Commissioner, with the sanction of the corporation, may provide and maintain suitable conveyances for the free carriage of persons suffering from any dangerous disease; and when such

conveyances have been provided, it shall not be lawful to convey any such person by any other public conveyance.

Provisions as to carriage of persons suffering from dangerous disease in public conveyances.

430. (*1*) No person who is suffering from a dangerous disease shall,—

(*a*) without proper precaution against spreading such disease, cause or suffer himself to be carried in a public conveyance;

(*b*) cause or suffer himself to be carried in a public conveyance contrary to the provision of the last preceding section.

(*2*) No person shall go in company with, or take charge of, any person suffering as aforesaid, who causes or permits himself to be carried in a public conveyance in contravention of sub-section (*1*).

(*3*) No owner or driver or person in charge of a public conveyance shall knowingly carry or permit to be carried in such conveyance any person suffering as aforesaid, in contravention of the said sub-section.

Public conveyance which has carried a person suffering from dangerous disease to be disinfected.

431. The owner, driver or person in charge of a public conveyance in which any person suffering as aforesaid has been carried shall immediately provide for the disinfection of the same.

Infected articles not to be transmitted, &c., without previous disinfection.

432. (*1*) No person shall, without previous disinfection of the same, give, lend, sell, transmit or otherwise dispose of any article which he knows or has reason to know has been exposed to infection from any dangerous disease.

(*2*) Nothing in this section shall be deemed to apply to a person who transmits, with proper precautions, any such article for the purpose of having the same disinfected.

Infected building not to be let without being first disinfected.

433. (*1*) No person shall let a building or any part of a building, in which he knows or has reason to know that a person has been suffering from a dangerous disease, without first having such building or part thereof and every article therein likely to retain infection disinfected, to the satisfaction of the executive health officer or of some duly qualified medical practitioner, as testified by such officer's or medical practitioner's certificate.

(*2*) For the purpose of this section, the keeper of a hotel or inn shall be deemed to let part of his building to any person accommodated in such hotel or inn.

Special Sanitary Measures.

Commissioner may take special measures on outbreak of any dangerous disease.

434. (*1*) In the event of the city being at any time visited or threatened with an outbreak of any dangerous disease, or in the event of any infectious disease breaking out or being likely to be introduced into the city amongst cattle—including under this expression sheep and goats,—

the Commissioner, if he thinks the ordinary provisions of this Act or of any other law at the time in force are insufficient for the purpose, may, with the sanction of Government,—

(*a*) take such special measures, and

(*b*) by public notice prescribe such temporary regulations to be observed by the public or by any person or class of persons,

as he shall deem necessary to prevent the outbreak of such disease or the spread thereof.

(*2*) The Commissioner shall forthwith report to the corporation any measures taken and any regulations prescribed by him under sub-section (*1*).

Disposal of the Dead.

Places for disposal of the dead to be registered.

435. Every owner or person having the control of a place used for burying, burning or

otherwise disposing of the dead shall cause the same to be registered in a register which shall be kept by some municipal officer charged by the Commissioner with this duty, and shall deposit in the municipal office at the time of registration a plan of the said place, showing the extent and boundaries thereof, bearing the signature of a licensed surveyor in token of its having been prepared by or under the supervision of such surveyor.

Provision of new places for disposal of the dead.

436. If the existing places for the disposal of the dead shall at any time appear to be insufficient, or if any such place is closed under the provisions of section 438, the Commissioner shall, with the sanction of the corporation, provide other fit and convenient places for the said purpose, either within or without the city, and shall cause the same to be registered in the register kept under section 435, and shall deposit in the municipal office, at the time of registration of each place so provided, a plan thereof showing the extent and boundaries of the same and bearing the signature of the municipal executive engineer.

New places for disposal of the dead not to be opened without permission of Commissioner.

437. No place which has never previously been lawfully used as a place for the disposal of the dead and registered as such, shall be opened by any person for the said purpose without the written permission of the Commissioner, who, with the approval of the corporation, may grant or withhold such permission.

Governor in Council may direct the closing of any place for the disposal of the dead.

438. (*1*) If, from information furnished by competent persons and after personal inspection, the Commissioner shall at any time be of opinion—

(*a*) that any place of public worship is or is likely to become injurious to health by reason of the state of the vaults or graves within the walls of or underneath the same, or in any churchyard or burial-ground adjacent thereto, or

(*b*) that any other place used for the disposal of the dead is in such a state as to be or to be likely to become injurious to health,

he may submit his said opinion, with the reasons therefor, to the corporation, who shall forward the same, with their opinion, for the consideration of the Governor in Council.

(*2*) Upon receipt of such opinions, the Governor in Council, after such further inquiry, if any, as he shall deem fit to cause to be made, may, by notification published in the *Bombay Government Gazette* and in the local newspapers, direct that such place of public worship or other place for the disposal of the dead be no longer used for the disposal of the dead. Every order so made shall be noted in the register kept under section 435.

(*3*) On the expiration of two months from the date of any such order of the Governor in Council, the place to which the same relates shall be closed for the disposal of the dead.

(*4*) A copy of the said notification, with a translation thereof, in the Maráthi, Gujaráti and Urdu languages, shall be affixed on a conspicuous spot on or near the place to which the same relates, unless such place be a place of public worship.

Governor in Council may sanction the re-opening of places which have been closed for the disposal of the dead.

439. (*1*) If, after personal inspection, the Commissioner shall at any time be of opinion that any place formerly used for the disposal of the dead, which has been closed under the provisions of the last preceding section or under any other law or authority, has by lapse of time become no longer injurious to health, and may without risk of danger be again used for the said purpose, he may submit his said opinion, with the reasons therefor, to the corporation, who shall forward the same, with their opinion, for the consideration of the Governor in Council.

(*2*) Upon receipt of such opinions, the Governor in Council after such further inquiry, if any, as he shall deem fit to cause to be made, may by notification published as aforesaid direct that such place be re-opened for the disposal of the dead. Every order so made shall be noted in the register kept under section 435.

Burials within places of worship and exhumations not to be made without the permission of the Commissioner.

440. (*1*) No person shall, without the written permission of the Commissioner under sub-section (*2*),—

(*a*) make any vault or grave or interment within any wall, or underneath any passage, porch, portico, plinth or verandah of any place of worship;

(*b*) make any interment or otherwise dispose of any corpse in any place which is closed for the disposal of the dead under section 438;

(*c*) build, dig, or cause to be built or dug, any grave or vault, or in any way dispose of, or suffer or permit to be disposed of, any corpse at any place which is not registered in the register kept under section 435;

(*d*) exhume any body except under the provisions of section 176 of the Code of Criminal Procedure, 1898[a], or of any other law for the time being in force, from any place for the disposal of the dead.

V of 1898.

(*2*) The Commissioner may in special cases grant permission for any of the purposes aforesaid, subject to such general or special orders as the Governor in Council may from time to time make in this behalf.

(*3*) An offence against this section shall be deemed to be a cognizable offence within the meaning of

[a] This reference to the Criminal Procedure Code, 1898, is altered in accordance with Act V of 1898, s. 3.

sections 149, 150 and 151 of the Code of Criminal Procedure, 1898 [a]. V of 1898.

Acts prohibited in connection with the disposal of the dead.

441. No person shall—

(*a*) retain a corpse on any premises, without burning, burying or otherwise lawfully disposing of the same, for so long a time after death as to create a nuisance;

(*b*) carry a corpse or part of a corpse along any street without having and keeping the same decently covered or without taking such precautions to prevent risk of infection or injury to the public health as the Commissioner may, by public notice, from time to time, think fit to require;

(*c*) except, when no other route is available, carry a corpse or part of a corpse along any street along which the carrying of corpses is prohibited by a public notice issued by the Commissioner in this behalf;

(*d*) remove a corpse or part of a corpse, which has been kept or used for purposes of dissection, otherwise than in a closed receptacle or vehicle;

(*e*) whilst conveying a corpse or part of a corpse, place or leave the same on or near any street without urgent necessity;

(*f*) bury or cause to be buried any corpse or part of a corpse in a grave or vault or otherwise, in such manner as that the surface of the coffin or, when no coffin is used, of the corpse or part of a corpse shall be at a less depth than six feet from the surface of the ground;

(*g*) build or dig, or cause to be built or dug, any grave or vault in any burial-ground at a less distance than two feet from the margin of any other grave or vault;

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[a] This reference to the Criminal Procedure Code, 1898, is altered in accordance with Act V of 1898, s. 3.

(*h*) build or dig, or cause to be built or dug, a grave or vault in any burial-ground in any line not marked out for this purpose by or under the order of the Commissioner;

(*i*) without the written permission of the Commissioner, re-open for the interment of a corpse, or of any part of a corpse, a grave or vault already occupied;

(*k*) after bringing or causing to be brought to a burning-ground any corpse, or part of a corpse, fail to burn or cause the same to be burnt within six hours from the time of the arrival thereof at such ground;

(*l*) when burning or causing to be burnt any corpse, or part of a corpse, permit the same or any portion thereof to remain without being completely reduced to ashes, or permit any cloth or other article used for the conveyance or burning of such corpse, or part of a corpse, to be removed or to remain on or near the place of burning without its being completely reduced to ashes.

CHAPTER XVI.

VITAL STATISTICS.

Registration of Births and Deaths.

Appointment of registrars.

442. For the purpose of registering births and deaths, the Commissioner shall divide the city into such and so many districts and sub-districts as he shall from time to time think fit; and a municipal officer shall be registrar of births and deaths of each such district.

Registrars to reside in their respective districts.

443. (*1*) Every registrar shall reside within the district of which he is registrar and shall cause his name, together with the words "Registrar of Births and Deaths for the district of ,"

to be affixed in some conspicuous place at or near the outer door of his place of abode.

(*2*) A list showing the name and place of abode of every registrar in the city shall be kept at the municipal office and shall be open at all reasonable times to public inspection free of charge.

Register-books to be supplied.

444. The Commissioner shall provide and supply to the registrars a sufficient number of register-books of births and of register-books of deaths for the registration of the particulars specified in Schedules N and O, respectively; and the pages of each of the said books shall be numbered progressively from the beginning to the end thereof.

Registrars to inform themselves of all births and deaths.

445. (*1*) Each registrar shall inform himself carefully of every birth and death which shall happen in his district and of the particulars concerning the same required to be registered according to the forms in the said schedules, and shall, as soon after each such birth or death as conveniently may be, register the same in the book supplied for this purpose by the Commissioner, without making any charge or demanding or receiving any fee or reward for so doing other than his remuneration as a municipal officer.

(*2*) Other municipal officers, besides the registrars, may be appointed, with the duty of informing themselves of every birth or of every death or of every birth and every death in the district to which they are respectively appointed and of the particulars concerning the same required to be registered, and of submitting such information to the registrar of the said district or to such other person as the Commissioner directs.

Information of birth to be given within seven days.

446. (*1*) It shall be the duty of the father and mother of every child born in the city and, in default of the father and mother, of the occupier of the premises in which to his knowledge the child is

born, and of each person present at the birth, and of the person having charge of the child, to give, to the best of his knowledge and belief, to the registrar or other municipal officer appointed under section 445, within seven days after such birth, information of the particulars required to be registered concerning such birth:

Saving for father of illegitimate child.

(2) Provided that, in the case of an illegitimate child, no person shall, as father of such child, be required to give information under this Act concerning the birth of such child, and the registrar shall not enter in the register the name of any person, as father of such child, unless at the joint request of the mother and of the person acknowledging himself to be the father of such child, and such person shall in such case sign the register together with the mother.

Information respecting finding of new-born child to be given.

447. In case any new-born child is found exposed, it shall be the duty of any person finding such child and of any person in whose charge such child may be placed to give, to the best of his knowledge and belief, to the registrar or other municipal officer aforesaid, within seven days after the finding of such child, such information of the particulars required to be registered concerning the birth of such child as the informant possesses.

Officers to be appointed to receive information of deaths at places for disposal of the dead.

448. (1) For every place for the disposal of the dead registered in the register kept under section 435 a municipal officer shall be appointed, whose duty it shall be to receive information of the particulars required to be registered concerning the death of every person whose corpse is disposed of at such place.

(2) If the Commissioner shall not think fit to require the municipal officer so appointed to be in constant attendance at any place for the disposal of the dead for which he is so appointed, there shall be affixed to a conspicuous part of the entrance to

such place a notice specifying the name of the officer so appointed for the said place and the place where he may be found.

Information of death to be given at the time when the corpse of the deceased is disposed of.

449. (*1*) It shall be the duty of the nearest relatives of any person dying in the city present at the death, or in attendance during the last illness, of the deceased and, in default of such relatives, of each person present at the death, and of the occupier of the premises in which, to his knowledge, the death took place, and, in default of the persons hereinbefore in this section mentioned, of each inmate of such premises, and of the undertaker or other person causing the corpse of the deceased person to be disposed of, to give, to the best of his knowledge and belief, to the officer appointed under the last preceding section, information of the particulars required to be registered concerning such death.

(*2*) The said information shall be given at or about the time that the corpse of the deceased person is disposed of, and it shall be given in writing if the informant can write, and otherwise orally, and the informant shall make known to the officer aforesaid his name, designation and place of abode, and shall attest the correctness of the information which he gives, to the best of his knowledge and belief, by his signature or mark.

Medical practitioner who attended a deceased person to certify the cause of his death.

450. (*1*) In the case of a person who has been attended in his last illness by a duly qualified medical practitioner, that practitioner shall sign and forward to the Commissioner a certificate of the cause of such person's death, in the form of Schedule P, or in such other form as shall from time to time be prescribed by the Commissioner in this behalf, and the cause of death as stated in such certificate shall be entered in the register, together with the name of the certifying medical practitioner.

(*2*) The Commissioner shall provide printed forms of the said certificates, and any duly qualified medical practitioner resident in the city shall be supplied, on application, with such forms, free of charge.

Preparation of register-books of deaths and of mortality returns, &c.

451. (*1*) The information concerning deaths received by every officer appointed under section 448 shall be entered by him in a register-sheet, which shall contain the particulars specified in Schedule O, and shall be forwarded, at such intervals as shall be prescribed by the Commissioner, through the registrar of the district, to the municipal office.

(*2*) From the said register-sheets and from the certificates furnished to him under section 450, the Commissioner shall cause the register-books of deaths to be prepared, and shall have prepared and published such tabular returns and statements as shall appear to him to be useful for sanitary or other purposes.

Correction of errors in registers of births or deaths.

452. (*1*) Any clerical error which may at any time be discovered in a register of births or in a register of deaths may be corrected by any person authorized in that behalf by the Commissioner.

(*2*) An error of fact or substance in any such register may be corrected by any person authorized as aforesaid by entry in the margin, without any alteration of the original entry, upon production to the Commissioner, by the person requiring such error to be corrected, of a declaration on oath setting forth the nature of the error and the true facts of the case, made before a Magistrate by two persons required by this Act to give information concerning the birth or death with reference to which the error has been made or, in default of such persons, by two credible persons having knowledge of the case, and certified by such Magistrate to have been made in his presence.

(*3*) Except as aforesaid, no alteration shall be made in any such register.

Registration of name of child or of alteration of name.

453. (*1*) When the birth of any child has been registered and the name, if any, by which it was registered, is altered or, if it was registered without a name, when a name is given to it, the parent or guardian of such child or other person procuring such name to be altered or given may, within twelve months next after the registration of the birth, deliver to the registrar such certificate as hereinafter mentioned, and the registrar, upon the receipt of that certificate, shall, without any erasure of the original entry, forthwith enter in the register-book the name mentioned in the certificate as having been given to the child.

(*2*) The certificate shall be in the form of Schedule Q, or as near thereto as circumstances admit, and, in the case of a Christian, shall be signed by the minister or person who performed the rite of baptism upon which the name was given or altered, or, if the child is not baptized or is not a Christian, shall be signed by the father, mother or guardian of the child or other person procuring the name of the child to be given or altered.

(*3*) Every minister or person who performs the rite of baptism shall deliver the certificate required by this section on demand, on payment of a fee not exceeding one rupee.

Taking of a Census.

Enumeration of inhabitants.

454. At such time and in such manner as shall be directed from time to time by the Commissioner, with the sanction of the corporation and of Government, an enumeration shall be made of the persons who at the time of making such enumeration shall be within the city: Provided always that, one clear month previous to such enumeration being commenced, notice of the intention to make the same,

with the date or dates upon or within which it is intended to be made, and all other necessary particulars, shall be given by advertisement in the *Bombay Government Gazette* and in the local newspapers.

Commissioner to superintend the enumeration.

455. The Commissioner shall superintend the taking of such enumeration, and shall appoint such enumerators or other subordinate officers and make such arrangements generally as may seem to him necessary for the purpose of such enumeration.

Delivery of blank schedules and returns.

456. Each enumerator or other subordinate officer appointed under the last preceding section shall, agreeably to his instructions, leave at each building or place of residence within his district, four days at least before the time appointed for the collection of the completed returns or census, a blank schedule or return, of such form and containing such particulars as Government may approve, to be duly filled up and signed by the owner, tenant or principal occupant of the said building or place of residence.

Obligation to fill up blank schedules and returns.

457. (*1*) Every person at whose building or place of residence any such blank schedule or return is left shall correctly fill up the same, and affix his signature thereto, and return it, when called upon so to do, to the enumerator or other subordinate officer aforesaid;

or, if such person is unable to write, he shall furnish to an enumerator, when called upon so to do, the information required for correctly filling up such schedule or return.

(*2*) Any person who fails to comply with any provision of sub-section (*1*) may be detained in custody until he complies therewith or the requisite information is otherwise obtained.

(*3*) It shall be the duty of an enumerator, if so required by any person who is unable to write, to

fill up any such schedule or return as aforesaid from information supplied by such person.

Occupier to amend returns, if found defective.

458. If any enumerator or other subordinate officer employed in the collection of such schedules or returns shall find any of the same defective or in any respect improperly filled in, he may return the same to the occupant of the building or residence to which the same relates, together with a written notice requiring that the same be duly filled in or amended within a period of forty-eight hours.

Military, naval and police officers and certain others, if required, to act as enumerators.

459. (*1*) Any military or naval officer, or any officer of the Bombay City Police, or any master or person in charge of a merchant vessel, or nacoda or tindal of a vessel or boat, or any person in charge of a lunatic asylum, hospital or prison or of any public or private charitable or scholastic institution, or any keeper of a hotel or lodging-house, shall, if required, act as an enumerator for the purpose of taking account of persons under his command or charge, or abiding in any building in his possession, charge or control, on the night immediately preceding the day to be appointed for the making of such enumeration.

(*2*) Every person so required to act as an enumerator shall receive and conform to all instructions in writing which may be issued to him by the Commissioner in that behalf.

Returns of houseless persons.

460. The Commissioner shall obtain, by such means as shall appear to him best adapted for the purpose and as shall be sanctioned by Government, returns of the particulars required for the purpose of the census with respect to all houseless persons, and all persons who during the said night preceding the day to be appointed for the making of such enumeration were on out-door night-duty, or for any other reasons were not abiding in any building of which account is to be taken by the enumerators.

CHAPTER XVII.

BY-LAWS.

By-laws for what purpose to be made.

461. The corporation may from time to time make by-laws, not inconsistent with this Act, with respect to the following matters, namely :—

(*a*) regulating, in any particular not specifically provided for in this Act, the construction, maintenance and control of drains, ventilation-shafts or pipes, cesspools, water-closets, privies, latrines, urinals, drainage-works of every description, whether belonging to the corporation or to other persons, municipal water-works, private communication-pipes and public streets ;

(*b*) regulating all matters and things connected with the supply and use of water ;

(*c*) the structure of walls, foundations, roofs and chimneys, [a] the materials, dimensions and strength of floors and staircases and of all scantlings, girders, posts and columns, [a] of [b] buildings, for securing stability and the prevention of fires and for purposes of health ;

[c] (*cc*) the construction of scaffolding for building operations to secure the safety of the operatives and of the general public ;

(*d*) the provision and maintenance of sufficient open space, either external or internal, about buildings to secure a free circulation of air, and of other means for the adequate ventilation of buildings ;

[d] (*dd*) the provision and maintenance of suitable means of access to buildings ;

[a-a] These words were inserted by Bom. V of 1905, s. 56 (*1*) (*b*).
[b] Word repealed by Act V of 1905 is omitted.
[c] Clause (*cc*) was inserted by Bom. V of 1905, s. 56 (*2*).
[d] Clause (*dd*) was inserted by Bom. V of 1905, s. 56 (*3*).

(*e*) the provision and maintenance of house-gullies;

(*f*) the control and supervision of all premises used for any of the purposes mentioned in section 394, and of all trades and manufactures carried on therein;

(*g*) the inspection of milch-cattle, and prescribing and regulating the construction, dimensions, ventilation, lighting, cleansing, drainage and water-supply of dairies and cattle-sheds in the occupation of persons following the trade of dairy-men or milk-sellers;

(*h*) securing the cleanliness of milk-stores, milk-shops and milk-vessels used by such persons for containing milk;

(*i*) requiring notice to be given whenever any milch-animal is affected with any contagious disease and prescribing precautions to be taken for protecting milch-cattle and milk against infection or contamination;

(*k*) securing the efficient inspection of markets and slaughter-houses and of shops in which articles intended for human food are kept or sold;

(*l*) the control and supervision of butchers carrying on business within the city or at a municipal slaughter-house without the city;

(*m*) regulating the use of any municipal market-building, market-place or slaughter-house or any part thereof;

(*n*) controlling and regulating the sanitary condition of markets and slaughter-houses, and preventing the exercise of cruelty therein;

(*o*) preventing the use in any market of false or defective weights, scales or measures, and publishing a price current;

(*p*) regulating the disposal of the dead and the maintenance of all places for the disposal of the dead in good order and in a safe sanitary condition, due regard being had to the religious usages of the several classes of the community;

(*q*) facilitating and securing complete and accurate registration of births and deaths;

(*r*) the registration of marriages;

(*s*) facilitating, when requisite, the taking of a census and securing accurate returns;

(*t*) regulating the delegation of the powers and duties of the standing committee to sub-committees;

(*u*) assigning the functions of the Joint Schools Committee under sub-section (*10*) of section 39, regulating the exercise by the said committee of its functions so assigned and of the functions assigned to it under sub-section (*9*) of the said section, and regulating the administration by the said committee of the school-fund under sub-section (*7*) of the said section;

(*v*) determining the constitution, powers and duties of any committee which the corporation may appoint under section 40 or 41;

(*w*) carrying out generally the provisions and intentions of this Act.

Punishment may be imposed for breach of by-laws.

462. In making a by-law under the last preceding section, the corporation may provide that a breach of it shall be punishable with fine which may extend to twenty rupees and, in the case of a

continuing breach, with fine which may extend to ten rupees for every day, after conviction for the first breach or after receipt of written notice from the Commissioner to discontinue the breach, during which the breach continues.

By-laws to be confirmed by Government.

463. No by-law, made under either of the two last preceding sections, shall have any validity unless and until it is confirmed by Government.

Commissioner to lay draft by-laws before the corporation for their consideration.

464. It shall be the duty of the Commissioner from time to time to lay before the corporation for their consideration a draft of any by-law which he shall think necessary or desirable for the furtherance of any purpose of this Act.

Hearing by corporation of objections to proposed by-laws.

465. (*1*) No by-law shall be finally approved by the corporation, unless notice of the intention of the corporation to take the same into their consideration has been given by advertisement in the *Bombay Government Gazette* and in the local newspapers six weeks at least before the day of the meeting at which the corporation finally consider such by-law.

(*2*) The corporation shall, before approving the by-law, receive and consider any objection or suggestion which may be made in writing by any person with respect thereto before the day of the said meeting; and any person desiring to object to a by-law, on giving written notice to the president of the corporation, not less than ten days before the day of the said meeting, of the nature of his said objection, may, by himself or his counsel, attorney or agent, be heard by the corporation thereon at the said meeting, but not so as that more than one person be heard on the same matter of objection.

Proposed by-law to be open to public inspection.

466. (*1*) For one month at least before the day of the meeting at which the corporation finally consider a by-law, a printed copy of such by-law shall be kept at the chief municipal office for public

inspection, and every person shall be permitted at any reasonable time to peruse the same, free of charge.

(*2*) Printed copies of the proposed by-law shall also be delivered to any person requiring the same on payment of such fee, not exceeding one rupee for each copy, as shall be prescribed by the Commissioner.

By-laws confirmed by Government to be published in the *Bombay Government Gazette.*

467. When any by-law has been confirmed by Government, it shall be published in the *Bombay Government Gazette*, and thereupon shall have the force of law.

Printed copies of by-laws to be kept on sale.

468. (*1*) The Commissioner shall cause all by-laws from time to time in force to be printed, and shall cause printed copies thereof to be delivered to any person requiring the same, on payment of a fee of two annas for each copy.

(*2*) Notice of the fact of copies of the by-laws being obtainable at the said price, and of the place where and the person from whom the same are obtainable, shall be given by the Commissioner from time to time by advertisement in the local newspapers.

(*3*) Boards, with the by-laws printed thereon or with printed copies of the by-laws affixed thereto, shall be hung or affixed in some conspicuous part of the municipal office and in such places of public resort, markets, slaughter-houses and other works or places affected thereby, as the Commissioner thinks fit, and the said boards shall from time to time be renewed by the Commissioner.

Boards for exhibiting by-laws to be open to inspection and not to be injured.

469. (*1*) No municipal officer or servant shall at any reasonable time prevent the inspection of any board provided by the Commissioner under the last preceding section by any person desiring to inspect the same.

(*2*) No person shall, without lawful authority, destroy, pull down, injure or deface any such board.

Government may repeal by-laws.

470. (*1*) If it shall at any time appear to the Governor in Council that any by-law should be [a] modified or [a] repealed either wholly or in part, he shall cause his reasons for such opinion to be communicated to the corporation and prescribe a reasonable period within which the corporation may make any representation with regard thereto which they shall think fit.

(*2*) After receipt and consideration of any such representation or, if in the meantime no such representation is received, after the expiry of the prescribed period, the Governor in Council may at any time, by notification in the *Bombay Government Gazette*, [b] modify or [b] repeal such by-law either wholly or in part: [c] Provided that no by-law shall be modified or repealed in part only by the Governor in Council if, within the period aforesaid, the corporation have objected to a modification or partial repeal thereof. [c]

(*3*) The [d] modification or [d] repeal of a by-law under sub-section (*2*) shall take effect from such date as the Governor in Council shall in the said notification direct or, if no such date is specified, from the date of the publication of the said notification in the *Bombay Government Gazette*, except as to anything done or suffered or omitted to be done before such date.

(*4*) The said notification shall also be published in the local newspapers.

[a-a] These words were inserted by Bom. V of 1905, s. 57 (*a*).

[b-b] These words were inserted by Bom. V of 1905, s. 57 (*b*).

[c-c] This proviso was substituted for the original proviso by Bom. V of 1905, s. 57 (*b*).

[d-d] These words were inserted by Bom. V of 1905, s. 57 (*c*).

CHAPTER XVIII.

PENALTIES.

[a] **471.** Whoever

Certain offences punishable with fine.

(*a*) contravenes any provision of any of the sections, sub-sections or clauses mentioned in the first column of the following table, or of any regulation made thereunder; or

(*b*) fails to comply with any requisition lawfully made upon him under any of the said sections, sub-sections or clauses,

shall be punished, for each such offence, with fine which may extend to the amount mentioned in that behalf in the third column of the said table.

Explanation.—The entries in the second column of the said table, headed "Subject", are not intended as definitions of the offences described in the sections, sub-sections and clauses mentioned in the first column, or even as abstracts of those sections, sub-sections and clauses, but are inserted merely as references to the subjects of the sections, sub-sections and clauses, the numbers of which are given in the first column.

1 Section, sub-section or clause.	2 Subject.	3 Fine which may be imposed.
Section 136, sub-section (*2*).	Requisition by auditor ...	One hundred rupees.
Section 138 ...	Requisition by auditor appointed for special audit.	One hundred rupees.
Section 149 ...	Notice to be given of transfer of title.	Fifty rupees.
Section 150 ...	Requisition to produce instrument of transfer.	Fifty rupees.

[a] Section 471 was substituted for the original section by Bom. V of 1905, s. 58.

(Chap. XVIII.—Penalties. Sec. 471.)

1 Section, sub-section or clause.	2 Subject.	3 Fine which may be imposed.
Section 152 ...	Notice to be given of the erection of new building, etc.	Fifty rupees.
Section 188 ...	Notice to be given by person becoming possessed of a vehicle or animal liable to tax.	Fifty rupees.
Section 223, sub-section (*1*).	Buildings, etc., not to be erected without permission over drains.	One hundred rupees.
Section 229 ...	Connections with municipal drains, etc., not to be made except in conformity with section 227 or 228.	One hundred rupees.
Section 231 ...	Requisition to enforce drainage of undrained premises situate within a hundred feet of a municipal drain.	Fifty rupees.
Section 232 ...	Requisition to enforce drainage of undrained premises not situate within a hundred feet of a municipal drain.	Fifty rupees.
Section 233, sub-section (*1*), clause (*b*).	Direction limiting use of drain or notice requiring the construction of a distinct drain.	Fifty rupees.
Section 233A, clause (*b*).	Drains for sole use of properties to be maintained in good repair, etc., by owner or occupier.	Fifty rupees.
Section 234 ...	New buildings not to be erected without drains.	Five hundred rupees.
Section 235 ...	Excrementitious matter not to be passed into cesspool.	One hundred rupees.
Section 236 ...	Owners of drains to allow use thereof, or joint ownership therein, to others.	Fifty rupees.
Section 240 ...	Drains not to pass beneath buildings.	Two hundred rupees.

1 Section, sub-section or clause.	2 Subject.	3 Fine which may be imposed.
Section 241 ...	Provisions as to position of cesspools.	Two hundred rupees.
Section 243, sub-section (*2*).	Requisition to cover or ventilate drain or cesspool.	Fifty rupees.
Section 246A, sub-section (*1*).	Water-closets and privies not to be constructed without permission or in contravention of terms prescribed.	Two hundred rupees.
Section 247 ...	Buildings newly erected or re-erected to be provided with water-closet and other accommodation.	Two hundred rupees.
Section 248, sub-section (*1*).	Requisition to enforce provision of privy accommodation, etc.	Fifty rupees.
Section 249 ...	Requisition to provide privy accommodation for factories, etc.	Two hundred rupees.
Section 249A ...	Requisition respecting unhealthy privies.	Two hundred rupees.
Section 250, sub-section (*1*).	Provisions as to privies.	Fifty rupees.
Section 251 ...	Provisions as to water-closets.	Fifty rupees.
Section 251A ...	Provisions as to privies and water-closets.	Two hundred rupees.
Section 251B ...	Provisions as to use of places for bathing or washing clothes or domestic utensils.	Fifty rupees.
Section 257 ...	Requisition to effect sanitary repairs, etc.	Fifty rupees.
Section 258 ...	Prohibition of acts contravening the provisions of chapter IX or done without sanction.	One hundred rupees.
Section 259A, sub-sections (*1*) & (*4*).	Provisions as to employment of licensed plumber and use of work.	Two hundred rupees.

1 Section, sub-section or clause.	2 Subject.	3 Fine which may be imposed.
Section 259A, sub-sections (*2*) & (*3*).	Licensed plumber to give and sign certificate.	Fifty rupees.
Section 268, sub-section (*1*).	Buildings, etc., not to be erected over water-main without permission.	One hundred rupees.
Section 269, sub-section (*2*).	Water not to be carried away from public water-supply for sale, and not to be carried in cask, etc., without permission.	Fifty rupees.
Section 270, sub-section (*2*).	Public water-supply, set apart for particular purpose, not to be used for other purpose.	Twenty rupees.
Section 272, sub-section (*1*).	Provisions as to the making and renewing of connections with municipal water-works.	Two hundred rupees.
Section 274 ...	Requisition to provide storage cisterns and other fittings to be used for connections with water-works.	Fifty rupees.
Section 275 ...	Communication-pipes, etc., to be kept in efficient repair by owner or occupier of premises.	One hundred rupees.
Section 278, sub-section (*2*).	Requisition to remedy defect in meter, communication-pipe, etc.	Fifty rupees.
Section 280. ...	Conditions as to use of water not to be contravened.	Twenty rupees.
Section 281 ...	Water-pipes, etc., not to be placed where water will be polluted.	One hundred rupees.

(Chap. XVIII.—Penalties. Sec. 471.)

1 Section, sub-section or clause.	2 Subject.	3 Fine which may be imposed.
Section 282 ...	Prohibition of fraudulent and unauthorised use of water.	One hundred rupees.
Section 283, sub-section (*1*).	Prohibition of fraud in respect of meters.	One hundred rupees.
Section 284 ...	Prohibition of wilful or neglectful acts relating to water-works.	One hundred rupees.
Section 287, sub-section (*2*).	Work required to be done under the provisions of chapter X to be done by licensed plumber.	Two hundred rupees.
Section 297, sub-section (*3*).	Construction of building within the regular line of street without permission.	One thousand rupees.
Section 304, sub-section (*1*).	New private street not to be made and buildings on either side thereof not to be erected except in accordance with Commissioner's directions and approval.	Five hundred rupees.
Section 305 ...	Requisition as to levelling and draining of private streets.	One hundred rupees.
Section 308, sub-section (*1*).	Prohibition of projections upon streets, etc.	Two hundred rupees.
Section 308, sub-section (*2*).	Requisition to remove the same.	Two hundred rupees.
Section 309, sub-section (*1*).	Requisition to remove or alter projections, etc., made before Bombay Act III of 1872 came into force.	Two hundred rupees.
Section 311 ...	Ground-floor doors, etc., not to open outwards on streets.	Twenty rupees.
Section 312, sub-section (*1*).	Prohibition of structures or fixtures causing obstruction in streets.	One hundred rupees.

1 Section, sub-section or clause.	2 Subject.	3 Fine which may be imposed.
Section 313, sub-section (*1*).	Prohibition of deposit, etc., of things in streets.	One hundred rupees.
Section 315 ...	Requisition to remove structures or fixtures erected or set up before section 312 came into force.	One hundred rupees.
Section 316, sub-section (*1*).	Prohibition of the tethering of animals in public streets.	Twenty rupees.
Section 319, sub-section (*2*).	Direction to close street in which work is in progress.	Fifty rupees.
Section 321, sub-section (*2*).	Shoring-timber, fence, etc., employed to secure public safety while municipal works are in progress, not to be removed.	Fifty rupees.
Section 322, sub-section (*1*).	Streets not to be opened or broken up and building materials not to be deposited thereon without permission.	Fifty rupees.
Section 323 ...	Precautions for public safety to be taken by persons to whom permission is granted under section 322.	Fifty rupees.
Section 324, sub-section (*1*).	Persons to whom permission is granted under section 322 must re-instate streets.	Fifty rupees.
Section 325 ...	Provision to be made by persons to whom permission is granted under section 322 for traffic, etc., when their works interrupt streets.	Two hundred rupees.
Section 326 ..	Hoards to be set up during work on any building adjacent to a street.	Fifty rupees.

(Chap. XVIII.—Penalties. Sec. 471.)

1. Section, sub-section or clause.	2. Subject.	3. Fine which may be imposed.
Section 327, sub-section (*2*).	Name of street and number of house not to be destroyed or defaced.	Twenty rupees.
Section 328 ...	Bills, etc., not to be posted except with consent of owner or occupier of buildings, etc.	Twenty rupees.
Section 329, sub-section (*1*).	Requisition to repair, protect or enclose dangerous place.	Fifty rupees.
Section 331 ...	Prohibition of removal, etc., of lamps.	One hundred rupees.
Section 333, sub-sections (*1*), (*2*) & (*3*).	Provisions as to manner of laying gas-pipes.	One thousand rupees.
Section 334, sub-section (*1*).	Requisition to alter situation of gas-pipes, etc.	Fifty rupees.
Section 335, sub-section (*1*).	Buildings, etc., not to be erected without permission over municipal gas-pipes.	One hundred rupees.
Section 344A ...	Provision for supervision of buildings and works.	Five hundred rupees.
Section 347, sub-section (*1*).	Work not to be commenced without notice.	One thousand rupees.
Section 349 ...	Roofs and external walls of buildings not to be made of inflammable material.	Ten rupees.
Sections 349A and 349B.	Provisions as to height of buildings.	One thousand rupees.
Section 349C ...	Provisions as to height of frame-buildings.	One thousand rupees.
Section 353 ...	Provisions for enforcement of provisions concerning buildings and works.	One thousand rupees.
Section 353 A ...	Provisions as to completion certificates: permission to occupy or use.	Five hundred rupees.

1. Section, sub-section or clause.	2. Subject.	3. Fine which may be imposed.
Section 354 ...	Requisition to remove structures which are in ruins or likely to fall.	Five hundred rupees.
Section 356 ...	Regulations prescribed for licensed surveyors and plumbers.	Twenty rupees.
Section 357 ...	Licensed plumber not to demand or receive more than the prescribed fee.	Twenty rupees.
Section 358 ...	Licensed plumber to be bound to execute work properly.	Twenty rupees.
Section 368 ...	Provisions as to collection and deposit of dust, etc., by occupiers.	Ten rupees.
Section 370 ...	Collection and removal of excrementitious and polluted matter to be provided for by occupiers in certain cases.	Twenty rupees.
Section 371 ...	Halálkhor's duties in certain cases not to be discharged by private individuals without permission.	Ten rupees.
Section 372 ...	Provisions as to removal of refuse.	Fifty rupees.
Section 375 ...	Requisition to cleanse and lime-wash building.	Fifty rupees.
Section 377 ...	Requisition to cleanse, etc., neglected premises.	Fifty rupees.
Section 378, sub-section (*2*).	Provisions as to buildings unfit for human habitation.	Five hundred rupees.
Section 379 ...	Owner or occupier of a house, within seven days of receipt of notice, to give statement of accommodation.	Two hundred rupees.

(Chap. XVIII.—Penalties. Sec. 471.)

1. Section, sub-section or clause.	2. Subject.	3. Fine which may be imposed.
Section 379 A, sub-section (*1*).	Requisition by Presidency Magistrate to abate overcrowding.	Two hundred rupees.
Section 379 A, sub-section (*3*).	Requisition by owner pursuant to order under sub-section (*1*).	Two hundred rupees.
Section 380 ...	Requisition to remove or alter insanitary huts.	Fifty rupees.
Section 381 ...	Requisition to fill in pools, etc., which are a nuisance.	Fifty rupees.
Section 382 ...	Requisition to discontinue dangerous quarrying.	Five hundred rupees.
Section 383, sub-section (*1*).	Requisition to remove or trim trees, shrubs or hedges.	Fifty rupees.
Section 384, sub-section (*1*).	Prohibitions as to the keeping of animals.	Fifty rupees.
Section 385, sub-section (*1*).	Provisions as to removal of carcasses of dead animals.	Ten rupees.
Section 388, clauses (*e*), (*f*) & (*g*).	Prohibition of bathing, etc., contrary to order or regulation.	Ten rupees.
Section 390, sub-section (*1*).	Factory, etc., not to be newly established without permission.	One thousand rupees.
Section 392, sub-section (*1*).	Requisition for sanitary regulation of factories, bake-houses, etc.	Two hundred rupees.
Section 393, sub-section (*1*).	Prohibition of use of steam-whistle, etc., without permission.	Fifty rupees.
Section 394, sub-section (*1*).	Certain trades not to be carried on without license.	Five hundred rupees.
Section 394, sub-section (*2*).	Board to be affixed to premises in respect of which license is granted.	Twenty rupees.
Section 395, sub-section (*1*).	Prohibition of corruption of water by chemicals, etc.	One thousand rupees.

1. Section, sub-section or clause.	2. Subject.	3. Fine which may be imposed.
Section 397, sub-section (*1*).	Regulation of washing of clothes by washermen.	Twenty rupees.
Section 401, sub-section (*1*).	Prohibition of sale in municipal market without license.	Fifty rupees.
Section 402, sub-section (*2*).	New private market not to be opened without sanction.	One thousand rupees.
Section 403, sub-section (*1*), clause (*a*).	Private market not to be kept open without license.	Fifty rupees.
Section 403, sub-section (*1*), clauses (*b*) & (*c*).	Using place as slaughter-house without license, within or without city.	Two hundred rupees.
Section 404 ...	Prohibition of sale in unauthorized private markets.	Fifty rupees.
Section 405 ...	Requisition to pave and drain private market-buildings and slaughter-houses.	Two hundred rupees.
Section 406 ...	Regulations framed for markets and slaughter-houses.	Fifty rupees.
Section 408, sub-section (*2*).	Regulations and table of stallage-rents posted up in markets and slaughter-houses, not to be destroyed or defaced.	Ten rupees.
Section 410, sub-section (*1*).	Prohibition of sale of animals, etc., except in a market.	Fifty rupees.
Section 411 ...	Butchers and persons who sell the flesh of animals to be licensed.	One hundred rupees.
Section 412, sub-section (*1*).	Prohibition of import of cattle, etc., into the city without permission.	One hundred rupees.

(Chap. XVIII.—Penalties. Sec. 471.)

1. Section, sub-section or clause.	2. Subject.	3. Fine which may be imposed.
Section 421 ...	Information to be given of existence of dangerous disease by medical practitioners.	One hundred rupees.
Section 423, sub-section (*2*).	Prohibition of use for drinking of water likely to cause dangerous disease.	Two hundred rupees.
Section 424, sub-section (*2*).	Direction to remove patients to hospital.	One hundred rupees.
Section 425, sub-section (*1*).	Requisition to disinfect buildings.	One hundred rupees.
Section 427, sub-section (*2*).	Where a place for washing of infected articles has been appointed, such articles not to be washed at places not so appointed.	One hundred rupees.
Section 427, sub-section (*3*).	Direction to disinfect or destroy infected articles.	One hundred rupees.
Section 428, sub-section (*1*).	Person suffering from dangerous disease not to enter a public conveyance without notifying the same.	Fifty rupees.
Section 430 ...	Provisions as to carriage of persons suffering from dangerous disease in public conveyances.	Five hundred rupees.
Section 431 ...	Public conveyance which has carried a person suffering from dangerous disease to be disinfected.	Five hundred rupees.
Section 432, sub-section (*1*).	Infected articles not to be transmitted, etc., without previous disinfection.	Five hundred rupees.
Section 433, sub-section (*1*).	Infected building not to be let without being first disinfected.	Five hundred rupees.
Section 435 ...	Places for the disposal of the dead to be registered.	One hundred rupees.

1. Section, sub-section or clause.	2. Subject.	3. Fine which may be imposed.
Section 437 ...	New places for disposal of the dead not to be opened without permission.	Five hundred rupees.
Section 440, sub-section (*1*).	Prohibition of burials within places of worship and exhumations without permission.	Five hundred rupees.
Section 441 ...	Acts prohibited in connection with the disposal of the dead.	One hundred rupees.
Section 446, sub-section (*1*).	Information of birth to be given within seven days.	One hundred rupees.
Section 447 ..	Information respecting finding of new-born child to be given.	One hundred rupees.
Section 449 ...	Information of death to be given at the time when the corpse of the deceased is disposed of.	One hundred rupees.
Section 450, sub-section (*1*).	Medical practitioner who attended a deceased person to certify the cause of his death.	One hundred rupees.
Section 457, sub-sections (*1*) and (*3*).	Obligation to fill up blank schedules and returns.	Fifty rupees.
Section 458 ...	Occupier to amend returns, if found defective.	Two hundred rupees.
Section 459 ...	Military, naval and police officers and certain others, if required, to act as enumerators.	One hundred rupees.
Section 469, sub-section (*1*).	Boards for exhibiting by-laws to be open to inspection.	Fifty rupees.
ction 469, sub-ction (*2*).	The same not to be injured .	Ten rupees.

1. Section, sub-section or clause.	2. Subject.	3. Fine which may be imposed.
Section 479, sub-section (*5*).	Grantee to be bound to produce license or written permission.	Fifty rupees.
Section 507, sub-section (*3*).	Occupier of building or land to afford owner facilities for complying with provisions of this Act, etc., after eight days from issue of order by Chief Judge of Small Cause Court.	Two hundred rupees.

[a] **472.** Whoever, after having been convicted of Continuing offences.

(*a*) contravening any provision of any of the sections, sub-sections or clauses mentioned in the first column of the following table, or of any regulation made thereunder, or

(*b*) failing to comply with any requisition lawfully made upon him under any of the said sections, sub-sections or clauses,

continues to contravene the said provision or to neglect to comply with the said requisition, or fails to remove or rectify any work or thing done in contravention of the said provision, as the case may be, shall be punished, for each day that he continues so to offend, with fine which may extend to the amount mentioned in that behalf in the third column of the said table.

[a] Section 472 was substituted for the original section by Bom. V of 1905, s. 58.

Explanation.—The entries in the second column of the said table headed "Subject" are not intended as definitions of the offences described in the sections, sub-sections and clauses mentioned in the first column, or even as abstracts of those sections, sub-sections and clauses, but are inserted merely as references to the subjects of the sections, sub-sections and clauses, the numbers of which are given in the first column.

1. Section, sub-section or clause.	2. Subject.	3. Daily fine which may be imposed.
Section 223, sub-section (*1*).	Buildings, etc., not to be erected without permission over drains.	Ten rupees.
Section 229 ...	Connections with municipal drains, etc., not to be made except in conformity with section 227 or 228.	Ten rupees.
Section 231 ...	Requisition to enforce drainage of undrained premises situate within a hundred feet of a municipal drain.	Five rupees.
Section 232 ...	Requisition to enforce drainage of undrained premises not situate within a hundred feet of a municipal drain.	Five rupees.
Section 233, sub-section (*1*), clause (*b*).	Direction limiting use of drain or notice requiring the construction of a distinct drain.	Five rupees.
Section 233A, clause (*b*).	Drain for sole use of property to be maintained in good repair, etc., by owner or occupier of property.	Five rupees.
Section 236 ...	Owners of drains to allow use thereof, or joint ownership therein, to others.	Five rupees.
Section 243, sub-section (*2*).	Requisition to cover or ventilate drain or cesspool.	Five rupees.

1 Section, sub-section or clause.	2 Subject.	3 Daily fine which may be imposed.
Section 248, sub-section (*1*).	Requisition to enforce provision of privy accommodation, etc.	Five rupees.
Section 249 ...	Requisition to provide privy accommodation for factories, etc.	Twenty rupees.
Section 249 A ...	Requisition respecting unhealthy privies.	Twenty rupees.
Section 250, sub-section (*1*).	Provisions as to privies.	Five rupees.
Section 251 ...	Provisions as to water-closets.	Five rupees.
Section 257 ...	Requisition to effect sanitary repairs, etc.	Five rupees.
Section 259 A, sub-sections (*1*) and (*4*).	Provisions as to employment of licensed plumber and use of work.	Fifty rupees.
Section 259 A, sub-sections (*2*) and (*3*).	Licensed plumber to give and sign certificate.	Ten rupees.
Section 268, sub-section (*1*).	Buildings, etc., not to be erected over water-main without permission.	Ten rupees.
Section 297, sub-section (*3*).	Buildings not to be constructed within the regular line of street without permission.	One hundred rupees.
Section 305 ...	Requisition as to levelling and draining of private streets.	Ten rupees.
Section 312, sub-section (*1*).	Prohibition of structures or fixtures causing obstruction in streets.	Ten rupees.
Section 313, sub-section (*1*).	Prohibition of deposit, etc., of things in streets.	Ten rupees.
Section 315 ...	Requisition to remove structures or fixtures erected or set up before section 312 came into force.	Ten rupees.

(Chap. XVIII.—Penalties. Sec. 472.)

1 Section, sub-section or clause.	2 Subject.	3 Daily fine which may be imposed.
Section 322, sub-section (*1*).	Streets not to be opened or broken up and building materials not to be deposited thereon without permission.	Fifty rupees.
Section 323 ...	Precautions for public safety to be taken by persons to whom permission is granted under section 322.	Fifty rupees.
Section 324, sub-section (*1*).	Persons to whom permission is granted under section 322 must re-instate streets.	Ten rupees.
Section 326 ...	Hoards to be set up during work on any building adjacent to a street.	Twenty rupees.
Section 329, sub-section (*1*).	Requisition to repair, protect or enclose dangerous place.	Five rupees.
Section 334, sub-section (1).	Requisition to alter situation of gas-pipes, etc.	Ten rupees.
Section 335, sub-section (*1*).	Buildings, etc., not to be erected without permission over municipal gas-pipe.	Ten rupees.
Section 344A ...	Provision for supervision of buildings and works.	One hundred rupees.
Section 347, sub-section (*1*).	Work not to be commenced without notice.	One hundred rupees.
Section 349 ...	Roof and external walls of buildings not to be of inflammable material.	Five rupees.
Sections 349A and 349B.	Provisions as to height of buildings.	One hundred rupees.
Section 349C ...	Provisions as to height of frame-buildings.	One hundred rupees.
Section 353A ...	Provisions as to completion certificates: permission to occupy or use.	One hundred rupees.
Section 354 ...	Requisition to remove structures which are in ruins or likely to fall.	One hundred rupees.

(Chap. XVIII.—Penalties. Sec. 472.)

1 Section, sub-section or clause.	2 Subject.	3 Daily fine which may be imposed.
Section 372 ...	Provisions as to removal of refuse.	Ten rupees.
Section 375 ...	Requisition to cleanse and lime-wash building.	Five rupees.
Section 377 ...	Requisition to cleanse, etc., neglected premises.	Five rupees.
Section 379 ...	Owner or occupier of a house, within seven days of receipt of notice, to give statement of accommodation.	Twenty rupees.
Section 379A, sub-section (*1*).	Requisition by Presidency Magistrate to abate overcrowding.	Twenty rupees.
Section 379A, sub-section (*3*).	Requisition by owner pursuant to order under sub-section (*1*).	Twenty rupees.
Section 380 ...	Requisition to remove or alter insanitary hut.	Five rupees.
Section 381 ...	Requisition to fill in pools, etc., which are a nuisance.	Five rupees.
Section 382 ...	Requisition to discontinue dangerous quarrying.	One hundred rupees.
Section 383, sub-section (*1*).	Requisition to remove or trim trees, shrubs or hedges.	Five rupees.
Section 384, sub-section (*1*).	Prohibitions as to the keeping of animals.	Five rupees.
Section 392, sub-section (1).	Requisition for sanitary regulation of factories, bake-houses, etc.	One hundred rupees.
Section 394, sub-section (*1*).	Certain trades not to be carried on without license.	Fifty rupees.
Section 394, sub-section (*2*).	Board to be affixed to premises in respect of which license is granted.	Five rupees.
Section 395, sub-section (*1*).	Prohibition of corruption of water by chemicals, etc.	Five hundred rupees.

1 Section, sub-section or clause.	2 Subject.	3 Daily fine which may be imposed.
Section 397, sub-section (*1*).	Regulation of washing of clothes by washermen.	Five rupees.
Section 403, sub-section (*1*).	Private markets not to be kept open without license.	Fifty rupees.
Section 405 ...	Requisition to pave and drain private market-buildings and slaughter-houses.	Fifty rupees
Section 411 ...	Butchers and persons who sell the flesh of animals to be licensed.	Ten rupees.
Section 425, sub-section (*1*).	Requisition to disinfect buildings.	Ten rupees.
Section 479, sub-section (*5*).	Grantee to be bound to produce license or written permission.	Ten rupees.
Section 507, sub-section (*3*).	Occupier of building or land to afford owner facilities for complying with provisions of this Act, etc., after eight days from issue of order by Chief Judge of Small Cause Court.	Fifty rupees.

Offences punishable under the Penal Code.

473. Whoever contravenes any provision of any of the sections, sub-sections or clauses of this Act hereinbelow in this section mentioned or of any regulation made thereunder, and whoever fails to comply with any requisition lawfully made upon him under any of the said sections, sub-sections or clauses, shall be deemed to have committed an offence punishable under the section of the Indian Penal Code hereinbelow in this section respectively specified as the section of the said code under which such person shall be punishable, namely :— Act XLV of 1860.

Sections of this Act.	Sections of the Indian Penal Code under which offenders are punishable.
28, clause (*j*)	177.
155, sub-sections (1) & (2), 187...	176 or 177, as the case may be.
388, cls. (*a*), (*b*), (*c*) and (*d*), 389	277.
434, sub-section (1)	188.

Punishment for acquiring share or interest in contract, &c., with the corporation.

474. Any councillor who knowingly acquires, directly or indirectly, any share or interest in any contract or employment with, by or on behalf of the corporation, not being a share or interest such as, under section 16, it is permissible for a councillor to have, without being thereby disqualified for being a Councillor, and any Commissioner, Deputy Commissioner, municipal officer or servant who knowingly acquires, directly or indirectly, any share or interest in any contract or employment with, by or on behalf of the corporation, not being a share or interest such as, under clauses (*h*) and (*k*) of section 16, it is permissible for a councillor to have, without being thereby disqualified for being a councillor, shall be deemed to have committed the offence made punishable by section 168 of the Indian Penal Code.

Act XLV of 1860.

Punishment of offences against section 267.

475. (*1*) Whoever contravenes any provision of sub-section (*1*) of section 267 shall be punished with imprisonment which may extend to one month, or with fine which may extend to one hundred rupees, or with both.

(*2*) When any person is convicted under sub-section (*1*), the magistrate who convicts him may order the immediate removal of any building, or the immediate discontinuance of the operation or use of the land, in respect of which such conviction has been held.

(*3*) If any order made under sub-section (*2*) is disobeyed or the execution thereof resisted, the offender shall be punished with imprisonment which may extend to one month, or with fine which may extend to one hundred rupees, or with both.

Punishment of offences against section 391.

476. Whoever contravenes any provision of section 391, whether the person so offending be the owner or occupier of the premises in which a furnace is situated or the agent or some person employed by the owner or occupier for managing the same, shall be punished with fine which may extend, on a first conviction, to one hundred rupees and, on a second or subsequent conviction, to a sum equal to double the amount to which it might have extended on the last preceding conviction.

Extent of penal responsibility of agents and trustees of owners.

477. No person, who receives the rent of any premises in any capacity described in sub-clauses (*i*), (*ii*) and (*iii*) of clause (*m*) of section 3, shall be liable to any penalty under this Act for omitting to do any act as the owner of such premises, if he shall prove that his default was caused by his not having funds of, or due to, the owner sufficient to defray the cost of doing the act required.

Punishment of offences relating to town-duties.

478. The law for the time being in force for the punishment of offences relating to the levy or payment of customs-duties and the grant of drawbacks in connection therewith and for the reward of informers shall, as far as may be, apply to similar offences committed in respect of the levy, payment and refund of town-duties, and any omission or misdescription in passing for export any goods in respect of which refund of town-duties may be claimable shall be punishable as if such omission or misdescription had been made in passing the said goods for import.

CHAPTER XIX.

PROCEDURE.

Licenses.

Licenses and written permissions to specify conditions, &c., on which they are granted.

479. (*1*) Whenever it is provided in this Act that a license or a written permission may be given for any purpose, such license or written permission shall specify the period for which, and the restrictions and conditions subject to which, the same is granted, and shall be given under the signature of the Commissioner or of a municipal officer empowered under section 68 to grant the same.

Fees to be chargeable.

(*2*) For every such license or written permission a fee may be charged at such rate as shall from time to time be fixed by the Commissioner, with the sanction of the corporation.

Licenses and written permissions may be revoked, &c.

(*3*) Subject to the provisions of clause (*d*) of section 403, any license or written permission granted under this Act may at any time be suspended or revoked by the Commissioner, if any of its restrictions or conditions is infringed or evaded by the person to whom the same has been granted, or if the said person is convicted of an infringement of any of the provisions of this Act or of any regulation or by-law made hereunder in any matter to which such license or permission relates.

When license or written permission is revoked, &c., grantee to be deemed to be without a license or written permission.

(*4*) When any such license or written permission is suspended or revoked, or when the period for which the same was granted has expired, the person to whom the same was granted shall, for all purposes of this Act, be deemed to be without a license or written permission, until the Commissioner's order for suspending or revoking the license or written permission is cancelled by him, or until the license or written permission is renewed, as the case may be.

Grantee to be bound to produce

(*5*) Every person to whom any such license or written permission has been granted shall at all

license or written permission,

reasonable times, while such written permission or license remains in force, if so required by the Commissioner, produce such license or written permission.

Public Notices and Advertisements.

Public notices how to be made known.

480. Whenever it is provided by this Act that public notice shall or may be given of anything, such public notice shall be in writing under the signature of the Commissioner or of a municipal officer empowered under section 68 to give the same, and shall be widely made known in the locality to be affected thereby, by affixing copies thereof in conspicuous public places within the said locality, or by publishing the same by beat of *batáki*, or by advertisement in the local newspapers, or by any two or more of these means and by any other means that he shall think fit.

Advertisements how to be made.

481. Whenever it is provided by this Act that notice shall be given by advertisement in the local newspapers, or that a notification or any information shall be published in the local newspapers, such notice, notification or information shall be inserted, if practicable, in at least two English newspapers, one Maráthi newspaper and one Gujaráti newspaper published in the city.

Consent, &c., of Commissioner may be proved by written document under his signature.

482. Whenever under this Act the doing or the omitting to do anything or the validity of anything depends upon the consent, approval, declaration, opinion or satisfaction of the Commissioner or of a Deputy Commissioner or any municipal officer, a written document signed by the Commissioner or by such Deputy Commissioner or municipal officer, purporting to convey or set forth his consent, approval, declaration, opinion or satisfaction shall be sufficient evidence of such consent, approval, declaration, opinion or satisfaction.

Service of Notices, &c.

Notices, &c., by whom to be served or presented.

483. Notices, bills, schedules, summonses and other such documents required by this Act or by any regulation or by-law made under this Act to be served upon or issued, or presented or given to any person, shall be so served, issued or presented or given by municipal officers or servants or by other persons authorized by the Commissioner in this behalf.

Service how to be effected on owners of premises and other persons.

484. When any notice, bill, schedule, summons or other such document is required by this Act, or by any regulation or by-law made under this Act, to be served upon or issued or presented to any person, such service, issue or presentation shall, except in the cases otherwise expressly provided for in section 485, be effected—

(*a*) by giving or tendering to such person the said notice, bill, schedule, summons or other document; or

(*b*) if such person is not found, by leaving the said notice, bill, schedule, summons or other document at his last known place of abode in the city, or by giving or tendering the same to some adult male member or servant of his family; or

(*c*) if such person does not reside in the city and his address elsewhere is known to the Commissioner, by forwarding the said notice, bill, schedule, summons or other document to him by post under cover bearing the said address; or

(*d*) if none of the means aforesaid be available, by causing the said notice, bill, schedule, summons or other document to be affixed on some conspicuous part of the building or land, if any, to which the same relates.

Service on "owner or occupier" of premises how to be effected.

485. When any notice, bill, schedule, summons or other such document is required by this Act, or by any regulation or by-law made under this Act, to be served upon or issued or presented to the owner or occupier of any building or land, it shall not be necessary to name the owner or occupier therein, and the service, issue or presentation thereof shall be effected, not in accordance with the provisions of the last preceding section but as follows, namely :—

(*a*) by giving or tendering the said notice, bill, schedule, summons or other document to the owner or occupier, or if there be more than one owner or occupier, to any one of the owners or occupiers of such building or land ; or

(*b*) if the owner or occupier or no one of the owners or occupiers is found, by giving or tendering the said notice, bill, schedule, summons or other document to some adult male member or servant of the family of the owner or occupier or of any one of the owners or occupiers ; or

(*c*) if none of the means aforesaid be available, by causing the said notice, bill, schedule, summons or other document to be affixed on some conspicuous part of the building or land to which the same relates.

The three last sections inapplicable to Magistrate's summonses.

486. Nothing in the three last preceding sections applies to any summons issued under this Act by a Magistrate.

Signature on notices, &c., may be stamped.

487. (*1*) Every license, written permission, notice, bill, schedule, summons or other such document required by this Act or by any regulation or by-law framed under this Act to bear the signature of the Commissioner or of any municipal officer shall

be deemed to be properly signed if it bears a facsimile of the signature of the Commissioner or of such municipal officer, as the case may be, stamped thereupon.

(*2*) Nothing in this section shall be deemed to apply to a cheque drawn upon the municipal fund under section 113.

Power of Entry.

Commissioner, &c., may enter any premises for purposes of inspection, survey or execution of necessary work.

488. The Commissioner may enter into or upon any building or land, with or without assistants or workmen, in order to make any inspection or survey or to execute any work which is authorized by this Act or by any regulation or by-law framed under this Act to be made or executed, or which it is necessary for any of the purposes, or in pursuance of any of the provisions, of this Act or of any such regulation or by-law, to make or execute :

Provided that—

(*a*) except when it is in this Act otherwise expressly provided, no such entry shall be made between sunset and sunrise ;

(*b*) except when it is in this Act otherwise expressly provided, no building which is used as a human dwelling shall be so entered, unless with the consent of the occupier thereof, without giving the said occupier not less than twenty-four hours' previous written notice of the intention to make such entry, and unless for any sufficient reason it shall be deemed inexpedient to furnish such information of the purpose thereof ;

(*c*) sufficient notice shall in every instance be given, even when any premises may otherwise be entered without notice, to enable the inmates of any apartment appropriated to females to remove to some part of the premises where their privacy need not be disturbed ;

(*d*) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the premises entered.

Enforcement of Orders to execute Works, &c.

Works, &c., which any person is required to execute may in certain cases be executed by the Commissioner at such person's cost.—

489. (*1*) When any requisition or order is made, by written notice, by the Commissioner or by any municipal officer empowered under section 68 in this behalf, under any section, sub-section or clause of this Act mentioned in sub-section (*2*), a reasonable period shall be prescribed in such notice for carrying such requisition or order into effect, and if, within the period so prescribed, such requisition or order or any portion of such requisition or order is not complied with, the Commissioner may take such measures or cause such work to be executed or such thing to be done as shall, in his opinion, be necessary for giving due effect to the requisition or order so made, and, unless it is in this Act otherwise expressly provided, the expenses thereof shall be paid by the person or by any one of the persons to whom such requisition or order was addressed.

[a] (*2*) The sections, sub-sections and clauses of this Act referred to in sub-section (*1*) are the following, namely :—

Section 230, sub-section (*5*).
" 231.
" 232.
" 233, clause (*b*).
" 233A, " (*b*).
" 243, sub-section (*2*).
" 248, " (*1*).
" 249A.
" 257.
" 271, sub-section (*2*).
" 278, " (*2*).
" 305.
" 308, sub-section (*2*).
" 309, " (*1*).
" 311.
" 315.
" 325.
" 326, sub-section (*3*).
" 329, " (*1*).
Section 334, sub-section (*1*).
" 338, " (*2*).
" 343, " (*2*).
" 349, " (*2*).
" 352.
" 353.
" 354.
" 368, sub-section (*2*).
" 375.
" 376.
" 377.
" 380.
" 381.
" 382.
" 383, sub-section (*1*).
" 392, " (*1*).
" 405.
" 425, sub-section (*1*).

[a] Sub-section (*2*) of section 489 was substituted for the original sub-section by Bom. V of 1905, s. 59.

(*3*) The Commissioner may take any measure, execute any work or cause anything to be done under this section, whether or not the person who has failed to comply with the requisition or order is liable to punishment or has been prosecuted or sentenced to any punishment for such failure.

Recovery of expenses of removals by the Commissioner under sections 314, 315, 354, and 380.

490. (*1*) The expenses incurred by the Commissioner in effecting any removal under section 314, or, in the event of a written notice issued under sub-section (*1*) of section 315 or section 354 or 380 not being complied with, under section 489, shall be recoverable by sale of the materials removed, and if the proceeds of such sale do not suffice, the balance shall be paid by the owner of the said materials.

(*2*) But, if the expenses of removal are in any case paid before the materials are sold, the Commissioner shall restore the materials to the owner thereof, on his claiming the same at any time before they are sold or otherwise disposed of, and on his paying all other expenses, if any, incurred by the Commissioner in respect thereof or in respect of the intended sale or disposal thereof.

(*3*) If the materials are not claimed by the owner thereof, they shall be sold by auction or otherwise disposed of as the Commissioner thinks fit, as soon as conveniently may be after one month from the date of their removal, whether the expenses of the removal have in the meantime been paid or not; and the proceeds, if any, of the sale or other disposal, shall, after defraying therefrom the costs of the sale or other disposal, and, if necessary, of the removal, be paid to the credit of the municipal fund, and shall be the property of the corporation.

Recovery of Expenses by the Commissioner.

Expenses recoverable under this Act to be payable on

491. (*1*) Whenever under this Act, or any regulation or by-law made under this Act, the

demand; and if not paid on demand, may be recovered as an arrear of property tax.

expenses of any work executed or of any measure taken or thing done by or under the order of the Commissioner or of any municipal officer empowered under section 68 in this behalf are payable by any person, the same shall be payable on demand.

(*2*) If not paid on demand, the said expenses shall be recoverable by the Commissioner, subject to the provisions of sub-section (*2*) of section 503, by distress and sale of the goods and chattels of the defaulter, as if the amount thereof were a property-tax due by the said defaulter.

If the defaulter is the owner of premises in respect of which expenses are payable, the occupier to be also liable for payment thereof.

492. (*1*) If the said expenses are due in respect of some work executed or thing done to, upon or in connection with, some building or land or of some measure taken with respect to some building or land and the defaulter is the owner of such building or land, the amount thereof may be demanded from any person who at any time, before the said expenses have been paid, occupies the said building or land, under the said owner; and in the event of the said person failing to pay the same, they may be recovered, by distress and sale of the goods and chattels of the said person, as if the amount thereof were a property-tax due by him:

(*2*) Provided as follows, namely—

(*a*) unless the said person neglects or refuses, at the request of the Commissioner, truly to disclose the amount of the rent payable by him in respect of the said land or building and the name and address of the person to whom the same is payable, the said person shall not be liable to pay on account of the said expenses any larger sum than, up to the time of demand, is payable by him to the owner on account of rent of the said land or building; but it shall rest upon the said person to prove that the amount of the expenses demanded of him is in excess of the sum payable by him to the owner;

(*b*) the said person shall be entitled to credit in account with the owner for any sum paid by or recovered from him on account of the said expenses;

(*c*) nothing in this section shall affect any agreement made between the said person and the owner of the building or land in his occupation respecting the payment of the expenses of any such work, thing or measure as aforesaid.

Commissioner may agree to receive payment of expenses in instalments.

493. Instead of recovering any such expenses as aforesaid in any manner hereinbefore provided, the Commissioner may, if he thinks fit and with the approval of the standing committee, take an agreement from the person liable for the payment thereof, to pay the same in instalments of such amounts and at such intervals as will secure the payment of the whole amount due, with interest thereon at the rate of nine per centum per annum, within a period of not more than five years.

What expenses may be declared to be improvement expenses.

494. If the expenses to be recovered have been incurred in respect of any work mentioned in any of the sections 227, clause (*c*), 230, 231, 233, clause (*b*), 248, sub-section (*1*), 257, 272, 274, sub-section (*1*), 305, 352, sub-section (*1*) 376, 381 and 405, the Commissioner may, if he thinks fit and with the approval of the corporation, declare such expenses to be improvement expenses.

Improvement expenses by whom payable.

495. (*1*) Improvement expenses shall be a charge on the premises in respect of which or for the benefit of which the same have been incurred and shall be recoverable in instalments of such amounts not being less for any premises than twelve rupees per annum, and at such intervals as will suffice to discharge such expenses, together with interest thereon at the rate of six per centum per annum, within such period not exceeding thirty years as the Commissioner, with the approval of the corporation, may in each case determine.

(*2*) The said instalments shall be payable by the occupier of the premises on which the expenses are so charged or, in the event of the said premises becoming unoccupied at any time before the expiration of the period fixed for the payment of such expenses or before the same, with interest as aforesaid, are fully paid off, by the owner for the time being of the said premises, so long as the same continue to be unoccupied.

Proportion of improvement expenses may be deducted from rent.

496. (*1*) Where the occuppier by whom any improvement expenses are paid holds the premises, on which the expenses are charged, at a rent not less than the rack-rent, he shall be entitled to deduct three-fourths of the amount paid by him on account of such expenses from the rent payable by him to his landlord, and, if he hold at a rent less than the rack-rent, he shall be entitled to deduct from the rent so payable by him such proportion of three-fourths of the amount paid by him on account of such expenses as his rent bears to the rack-rent.

(*2*) And if the landlord from whose rent any deduction is so made is himself liable to the payment of rent for the premises in respect of which the deduction is made and holds the same for a term of which less than twenty years is unexpired (but not otherwise), he may deduct from the rent so payable by him such proportion of the sum deducted from the rent payable to him as the rent payable by him bears to the rent payable to him, and so in succession with respect to every landlord (holding for a term of which less than twenty years is unexpired) of the same premises both receiving and liable to pay rent in respect thereof :

(*3*) Provided that nothing in this section shall be construed to entitle any person to deduct from the rent payable by him more than the whole sum deducted from the rent payable to him.

Redemption of charge for improvement expenses.

497. At any time before the expiration of the period for the payment of any improvement expenses,

the owner or occupier of the premises on which they are charged may redeem such charge by paying to the Commissioner such part of the said expenses as may not have been defrayed by sums already levied in respect of the same.

Recovery of instalments due under sections 493 and 495.

498. Any instalment payable under section 493 or section 495, which is not paid when the same becomes due, may be recovered by the Commissioner by distress and sale of the goods and chattels of the person by whom it is due as if it were a property-tax due by the said person.

In default of owner the occupier of any premises may execute required work and recover expenses from the owner.

499. Whenever the owner of any building or land fails to execute any work which he is required to execute under this Act or under any regulation or by-law made under this Act, the occupier, if any, of such building or land may, with the approval of the Commissioner, execute the said work, and he shall be entitled to recover the reasonable expenses incurred by him in so doing from the owner and may deduct the amount thereof from the rent which from time to time becomes due by him to the owner.

Limitation of liability of agent or trustee of owner.

500. No person who receives the rent of any premises in any capacity described in sub-clauses (*i*), (*ii*) and (*iii*) of clause (*m*) of section 3 shall be liable to do anything which is by this Act required to be done by the owner, unless he have sufficient funds of or due to the owner to pay for the same.

Payment of Compensation.

Compensation for damages may be paid by the Commissioner.

501. In any case not otherwise expressly provided for in this Act, the Commissioner may, with the approval of the standing committee, pay compensation to any person who sustains damage by reason of the exercise of any of the powers vested by this Act in the Commissioner or in any municipal officer or servant.

Compensation to be paid by offenders against this

502. (*1*) If, on account of any act or omission, any person has been convicted of an offence against

Act for any damage caused by them.

this Act or against any regulation or by-law made under this Act, and, by reason of the same act or omission of the said person, damage has occurred to any property of the corporation, compensation shall be paid by the said person for the said damage, notwithstanding any punishment to which he may have been sentenced for the said offence.

(*2*) In the event of dispute, the amount of compensation payable by the said person shall be determined by the Magistrate before whom he was convicted of the said offence, and on non-payment of the amount of compensation so determined, the same shall be recovered under a warrant from the said Magistrate as if it were a fine inflicted by him on the person liable therefor.

Recovery of Expenses or Compensation in case of Dispute.

In cases falling under section 491, disputes to be determined by the Chief Judge of the Small Cause Court.

[a] **503.** (*1*) If, when the Commissioner demands payment of any expenses under section 491, his right to demand the same or the amount of the demand is disputed, or if, in the case of expenses incurred by the Commissioner in taking temporary measures under sub-section (*2*) of section 329, the necessity for such temporary measures is disputed, the Commissioner shall refer the case for the determination of the Chief Judge of the Small Cause Court.

(*2*) Pending the Chief Judge's decision, the Commissioner shall defer further proceedings for the recovery of the sum claimed by him and, after the decision, shall proceed to recover only such amount, if any, as shall be thereby ascertained to be due.

Amount of expenses or compensation to be determined in all cases of dispute by the Chief Judge of the Small Cause Court.

[a] **504.** If, in any case not falling under section 491, any person is required by this Act, or by any regulation or by-law framed under this Act, to pay

[a] As to appeal to High Court from decision under s. 503 or s. 504—see Act XII of 1888, s. 3. As to period of limitation for such appeals—see *ib.*, s. 5.

any expenses or any compensation, the amount to be so paid and, if necessary, the apportionment of the same, shall, in case of dispute, be determined, except as is otherwise provided in section 502 and 515, by the Chief Judge of the Small Cause Court, on application being made to him for this purpose at any time within one year from the date when such expenses or compensation first became claimable.

Expenses or compensation awarded by Chief Judge of the Small Cause Court to be recovered, if necessary, as if they were due under a decree of the Court.

505. If the amount of any expenses or compensation ascertained in accordance with the last preceding section is not paid by the person liable to pay the same on demand, it shall be recoverable as if the same were due under a decree of the Small Cause Court.

Persons liable for expenses or compensation may be sued for recovery thereof.

506. Instead of proceeding in any manner aforesaid for the recovery of any expenses or compensation of which the amount due has been ascertained as hereinbefore provided, or after such proceedings have been taken unsuccessfully or with only partial success, the sum due, or the balance of the sum due, as the case may be, may be recovered by a suit brought against the person liable for the same in any Court of competent jurisdiction.

Proceedings before the Chief Judge of the Small Cause Court.

Remedy of owner of building or land against occupier who prevents his complying with any provision of this Act.

507. (1) If the owner of any building or land is prevented by the occupier thereof from complying with any provision of this Act or of any regulation or by-law made under this Act or with any requisition made under this Act or under any such regulation or by-law in respect of such building or land, the owner may apply to the Chief Judge of the Small Cause Court.

(2) The said Chief Judge, on receipt of any such application, may make a written order requiring the occupier of the building or land to afford all reasonable facilities to the owner for complying with the

said provision or requisition, and may also, if he thinks fit, direct that the costs of such application and order be paid by the occupier.

(*3*) After eight days from the date of any such order, it shall be incumbent on the said occupier to afford all such reasonable facilities to the owner for the purpose aforesaid as shall be prescribed in the said order; and in the event of his continued refusal so to do, the owner shall be discharged, during the continuance of such refusal, from any liability which he would otherwise incur by reason of his failure to comply with the said provision or requisition.

Power to summon witnesses and compel production of documents.

508. (*1*) For the purposes of any inquiry or proceeding under this Act, the Chief Judge of the Small Cause Court may summon and enforce the attendance of witnesses and compel them to give evidence and compel the production of documents, by the same means and, as far as is possible, in the same manner as is provided in the case of the Small Cause Court by the Presidency Small Cause Courts Act, 1882; and in all matters relating to any such inquiry or proceeding the said Chief Judge shall be guided generally by the provisions of the said Act so far as the same are applicable.

(*2*) If, in any such inquiry or proceeding, the person against whom the complaint or application has been made fails to appear, notwithstanding that he has been duly summoned for this purpose, the said Chief Judge may hear and determine the case in his absence.

(*3*) The costs of every such inquiry or proceeding, as determined by the said Chief Judge, shall be payable by such parties and in such proportions as the said Chief Judge shall direct and the amount thereof shall, if necessary, be recoverable as if the same were due under a decree of the Small Cause Court.

Fees in proceedings before the Chief Judge of the Small Cause Court.

509. (*1*) The Governor in Council may, from time to time, by notification in the *Bombay Government Gazette*, prescribe what fee, if any, shall be paid—

(*a*) on any application, appeal or reference made under this Act to the Chief Judge of the Small Cause Court; and

(*b*) previous to the issue, in any inquiry or proceeding of the said Chief Judge under this Act, of any summons or other process:

Provided that the fees, if any, prescribed under clause (*a*) shall not, in cases in which the value of the claim or subject-matter is capable of being estimated in money, exceed the fees at the time being levied, under the provisions of the Presidency Small Cause Courts Act, 1882, in cases in which the value of the claim or subject-matter is of like amount.

XV of 1882.

(*2*) The Governor in Council may from time to time by a like notification determine by what person any fee prescribed under clause (*a*) shall be payable.

(*3*) No application, appeal or reference shall be received by the said Chief Judge, until the fee, if any, prescribed therefor under clause (*a*) has been paid.

Exemption of poor persons from fees.

510. The Chief Judge of the Small Cause Court may, whenever he thinks fit, receive an application, appeal or reference made under this Act by or on behalf of a poor person, and may issue process on behalf of any such person without payment or on a part payment of the fees prescribed under section 509.

Re-payment of half fees on settlement before hearing.

511. Whenever any application, appeal or reference made to the Chief Judge of the Small Cause Court under this Act is settled by agreement of the

parties before the hearing, half the amount of all fees paid up to that time shall be repaid by the said Chief Judge to the parties by whom the same have been respectively paid.

Authority to the Chief Judge of the Small Cause Court to delegate certain powers and to make rules.

512. The Chief Judge of the Small Cause Court may—

(*a*) delegate, either generally or specially to any other Judge of the said Court, power to receive applications, appeals and references under this Act and to discharge any other duty in connection with such applications, appeals and references, except the hearing and adjudication thereof;

(*b*) if, for any reason, it shall be necessary so to do in order to secure the disposal of any application made to him under section 20 within the limited period prescribed in the said section, delegate to any other judge of the said Court the hearing and adjudication of the said application;

(*c*) from time to time, with the approval of Government, make rules, not inconsistent with this Act, providing for any matter connected with the exercise of the jurisdiction conferred upon him by this Act which is not herein specifically provided for.

Proceedings before Magistrates.

Cognizance of offences.

513. All offences against this Act, or against any regulation or by-law made under this Act, whether committed within or without the city, shall be cognizable by a Presidency Magistrate; and no such magistrate shall be deemed to be incapable of taking cognizance of any such offence or of any offence against any enactment hereby repealed, by reason only of his being liable to pay any municipal tax or of his being benefited by the municipal

fund to the credit of which any fine inflicted by him will be payable.

Limitation of time within which complaints of offences punishable under this Act shall be entertained.

514. No person shall be liable to punishment for any offence made punishable by this Act, unless complaint of such offence is made before a Presidency Magistrate within three months, or, if the offence be against the provisions of section 155, within six months, next after the commission of such offence.

Complaints concerning nuisances.

[a] **515.** (*1*) Any person who resides in the city may complain to a Presidency Magistrate of the existence of any nuisance, or that, in the exercise of any power conferred by sections 224, 244, 245, 246 or 367, more than the least practicable nuisance has been created.

(*2*) Upon receipt of any such complaint, the Magistrate, after making such inquiry as he thinks necessary, may, if he sees fit, direct the Commissioner—

(*a*) to put in force any of the provisions of this Act or to take such measures as to such Magistrate shall seem practicable and reasonable for preventing, abating, diminishing or remedying such nuisance;

(*b*) to pay to the complainant such reasonable costs of, and relating to, the said complaint and order as the said Magistrate shall determine, inclusive of compensation for the complainant's loss of time in prosecuting such complaint.

(*3*) It shall be incumbent on the Commissioner to obey every such order.

(*4*) Nothing in this Act contained shall interfere with the right of any person who may suffer injury

[a] As to appeal to High Court from orders under s. 515—see Act XII of 1888, s. 4. As to period of limitation for such appeals—see *ib.*, s. 5.

or whose property may be injuriously affected by any act done in the exercise of any power conferred by sections 224, 244, 245, 246 or 367 to recover damages for the same.

Arrest of Offenders.

Offenders against this Act may in certain cases be arrested by Police Officers.

516. (*1*) Any police officer may arrest any person who commits in his view any offence against this Act or against any regulation or by-law made under this Act, if the name and address of such person be unknown to him, and if such person, on demand, declines to give his name and address or gives a name and address which such officer has reason to believe to be false.

(*2*) No person so arrested shall be detained in custody after his true name and address are ascertained or, without the order of a Magistrate, for any longer time, not exceeding at the most forty hours from the arrest, than is necessary for bringing him before a Magistrate competent to take cognizance of his offence.

Legal Proceedings.

Provisions respecting institution, &c., of civil and criminal actions and obtaining legal advice.

517. (*1*) The Commissioner may—

(*a*) take, or withdraw from, proceedings against any person who is charged with—

(*i*) any offence against this Act;

(*ii*) any offence which affects or is likely to affect any property or interest of the corporation or the due administration of this Act;

(*iii*) committing any nuisance whatsoever;

(*b*) compound any offence against this Act, which under the law at the time in force may legally be compounded;

(*c*) defend any election petition brought under section 33;

(*d*) defend, admit or compromise any appeal against a rateable value or tax brought under section 217 ;

(*e*) take, withdraw from, or compromise, proceedings, under sections 502, sub-section (*2*), 503, 504 and 505, for the recovery of expenses or compensation claimed to be due to the corporation ;

(*f*) withdraw or compromise any claim for a sum not exceeding five hundred rupees against any person in respect of a penalty payable under a contract entered into with such person by the Commissioner, or, with the approval of the standing committee, any such claim for any sum exceeding five hundred rupees ;

(*g*) defend any suit or other legal proceeding brought against the corporation or against the Commissioner or a Deputy Commissioner or a municipal officer or servant, in respect of anything done or omitted to be done by them, respectively, in their official capacity ;

(*h*) with the approval of the standing committee, admit or compromise any claim, suit or legal proceeding brought against the corporation or against the Commissioner or a Deputy Commissioner or a municipal officer or servant, in respect of anything done or omitted to be done as aforesaid ;

(*j*) with the like approval, institute and prosecute any suit or withdraw from or compromise any suit or any claim, other than a claim of the description specified in clause (*f*), which has been instituted or made in the name of the corporation or of the Commissioner ;

(*k*) obtain such legal advice and assistance as he may from time to time think it necessary or expedient to obtain, or as he may be desired by the corporation or the standing committee to obtain, for any of the purposes mentioned in the foregoing clauses of this section or for securing the lawful exercise or discharge of any power or duty vesting in or imposed upon any municipal authority or any municipal officer or servant:

(*2*) Provided that the Commissioner shall not defend any suit or legal proceeding under clause (*g*) without first of all taking legal advice with regard thereto, and shall institute and prosecute any suit which the corporation shall determine to have instituted and prosecuted.

CHAPTER XX.

CONTROL.

Power to Government to provide for performance of duties in default of any municipal authority.

518. (*1*) If, upon complaint being made to him and after such inquiry as he thinks fit to make, it shall at any time appear to the Governor in Council that any of the provisions of sections 61, 62, 134, 225, 434 and 438 have not been or are not being duly carried out or enforced, the Governor in Council may make an order prescribing a period within which such provision shall be carried out or enforced:

(*2*) Provided that, except in any case which appears to the Governor in Council to be one of emergency, no such order shall be made until after the expiry of one month from the date of service of a written notice on the corporation, and, if the Governor in Council shall think fit, on the Commissioner, requiring cause to be shown why such

order should not be made, nor until the cause, if any, so shown has been considered by the Governor in Council.

(3) If, within the period prescribed in an order made under sub-section (1) the provision is not carried out or enforced the Governor in Council may appoint some person to carry out or enforce the same, and may direct that the expense of carrying out or enforcing such provision, together with such reasonable remuneration to the person carrying out or enforcing the same as the Governor in Council shall determine, and the costs of the proceedings under this section shall be paid out of the municipal fund.

Power to Government to enforce repair, &c., of Vehár water-works.

519. (1) If, from the report of any person appointed by Government under section 264 to inspect the Vehár water-works, it shall appear to Government that any portion of the said water-works is not in a sound and effective condition, Government may, by notice under the signature of a secretary to Government, require that the said portion of the said works be repaired, improved or otherwise rendered sound and effective, within a reasonable time to be prescribed in the notice.

(2) The said notice shall be addressed to the corporation and to the Commissioner, and it shall be incumbent on the corporation and on the Commissioner, within the limits of their respective powers, to give effect thereto. If effect be not given thereto, Government may cause the required work to be done and may direct that the expenses thereof shall be paid by the Commissioner.

Expenses of measures enforced under sections 518 and 519 how to be recovered.

520. (1) When any such order as is mentioned in sub-section (3) of section 518 or in sub-section (2) of section 519 shall have been made, the corporation shall cause to be paid to Government the sum or sums of money of which payment shall from time to time be required, in pursuance of the said

order, in any requisition signed by a secretary to Government.

(*2*) And, if, within fourteen days from the delivery of any such requisition, the same is not complied with, Government may, by a written order signed by one of their secretaries, authorize and direct some person to receive from the bank in which the municipal fund is lodged the sum or sums mentioned in the said order.

(*3*) The said bank shall, upon production of the said written order, forthwith pay the said sum or sums to the person therein authorized to receive the same, and the said written order shall be a sufficient discharge to the said bank from all liability to the corporation in respect of any sum or sums so paid by it out of the municipal fund.

CHAPTER XXI.

SUPPLEMENTAL PROVISIONS.

Councillors, &c., to be deemed to be public servants.

521. The Commissioner and Deputy Commissioner and every councillor and every municipal officer or servant appointed under this Act, and every contractor or agent for the collection of any municipal tax, and every servant or other person employed by any such contractor or agent, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. Act XLV of 1860.

Co-operation of Police.

522. (*1*) The Police Commissioner shall, as far as may be, co-operate, by himself and through his subordinates, with the Commissioner for carrying into effect and enforcing the provisions of this Act and for the maintenance of good order in the city.

(*2*) It shall be the duty of every Police-officer in the city to communicate without delay to the proper municipal officer any information which he receives of a design to commit or of the commission

of any offence against this Act or against any regulation or by-law made under this Act, and to assist the Commissioner or any municipal officer or servant reasonably demanding his aid for the lawful exercise of any power vesting in the Commissioner or in such municipal officer or servant under this Act.

Computation of time.

523. (*1*) In computing any limited time before or from or after any date or event which is appointed or allowed by or under this Act for the doing of any act or the taking of any proceeding, such time shall be taken as exclusive of the day of that date or of the happening of that event, and as ending or commencing, as the case may be, at the end of the last preceding day, or the beginning of the next following day.

(*2*) Where the limited time is to be computed from or after any date or event, the act or proceeding shall be done or taken at the latest on the last day of the limited time computed as aforesaid, unless the last day is a Sunday or a public holiday or unless, in the case of a proceeding to be taken before the Chief Judge of the Small Cause Court, the said Court is closed on such last day, in which events any act or proceeding shall be deemed to be done or taken in due time if it is done or taken on the next day after such Sunday, or after the close of such public holiday, or on the first day when such Court re-opens, as the case may be.

(*3*) Where by this Act any act or proceeding is directed or allowed to be done or taken on a certain day, and such day happens to be a Sunday or a public holiday, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day after such Sunday, or after the close of such public holiday.

Measurement of distances.

524. The distances mentioned in this Act shall be measured in a straight line on a horizontal plane.

Informalities and errors in assessments, &c., not to be deemed to invalidate such assessments, &c.

525. (*1*) Any informality, clerical error, omission or other defect in any assessment made or in any distress levied or in any notice, bill, schedule, summons or other document issued under this Act, or under any regulation or by-law made under this Act, may at any time, as far as possible, be rectified.

(*2*) No such informality, clerical error, omission or other defect shall be deemed to render the assessment, distress, notice, bill, schedule, summons or other document invalid or illegal, if the provisions of this Act and of the regulations and by-laws made hereunder have in substance and effect been complied with; but any person who sustains any special damage by reason of any such informality, clerical error, omission or other defect shall be entitled to recover compensation for the same by suit in a Court of competent jurisdiction.

Power to Government to call for extracts from proceedings, &c.

526. The Governor in Council may at any time call upon the corporation to furnish him with any extract from any proceedings of the corporation or standing committee or of any committee constituted under this Act, or from any record under the control of the corporation, and with any statistics concerning or connected with the administration of this Act; and the corporation shall furnish the same without unreasonable delay.

Protection of persons acting under this Act against suits.

527. (*1*) No suit shall be instituted against the corporation, or against the Commissioner or a Deputy Commissioner, or against any municipal officer or servant in respect of any act done in pursuance or execution or intended execution of this Act, or in respect of any alleged neglect or default in the execution of this Act—

(*a*) until the expiration of one month next after notice in writing has been in the case of the corporation, left at the chief

municipal office and, in the case of the Commissioner or of a Deputy Municipal Commissioner or of a municipal officer or servant, delivered to him or left at his office or place of abode, stating with reasonable particularity the cause of action and the name and place of abode of the intending plaintiff and of his attorney or agent, if any, for the purpose of such suit; nor

(*b*) unless it is commenced within six months next after the accrual of the cause of action.

(*2*) At the trial of any such suit—

(*c*) the plaintiff shall not be permitted to go into evidence of any cause of action except such as is set forth in the notice delivered or left by him as aforesaid;

(*d*) the claim, if it be for damages, shall be dismissed if tender of sufficient amends shall have been made before the suit was instituted, or if, after the institution of the suit, a sufficient sum of money is paid into Court with costs.

(*3*) Where the defendant in any such suit is a municipal officer or servant, payment of the sum or of any part of any sum payable by him in or in consequence of the suit, whether in respect of costs, charges, expenses, compensation for damages or otherwise, may be made, with the sanction of the standing committee, from the municipal fund.

Effect of the transitory provisions in Schedule R.

528. The provisions contained in Schedule R for regulating the constitution of the corporation and other matters until this Act is brought fully into operation shall be of the same effect as if they were enacted in the body of this Act.

(Sch. A.—Enactments repealed.)

SCHEDULE A.

(See section 2.)

ENACTMENTS REPEALED.

No. and year of Act.	Title or Subject.	Extent of Repeal.
	Act of the Governor General in Council.	
XLVIII of 1860 ...	An Act to amend Act XIII of 1856 ...	Section 17, as amended by Bombay Act IV of 1882 and clause (16) of section 19.
	Acts of the Governor of Bombay.	
VI of 1863 ...	An Act for the regulation of public conveyances in the town, suburbs and harbour of Bombay.	In section 7, the words "by the Commissioner of Police to the credit of the Municipal Commissioners of Bombay, and."
III of 1870 ...	An Act to secure the payment to Government of certain sums of money by the Corporation of the Justices of the Peace for the City of Bombay.	The whole.
III of 1872 ...	The Bombay Municipal Act of 1872 ...	The whole.
IV of 1878 ...	The Bombay Municipal Act Amendment and Continuance Act, 1878.	The whole.
VI of 1878 ...	An Act to remove doubts as to the time when certain portions of the Bombay Municipal Act Amendment and Continuance Act, 1878, were intended to come into force.	The whole.
II of 1880 ...	The Bombay Municipality's Consolidated Loan Act, 1880.	The whole.
II of 1881 ...	An Act to confirm the jurisdiction of Presidency Magistrates in municipal cases.	The whole.
VI of 1882 ...	An Act to amend the Bombay Municipal Acts of 1872 and 1878.	The whole.
II of 1885 ...	An Act to empower the Municipal Corporation of the City of Bombay to subscribe to the Guarantee Funds of the Bombay International Exhibition, and for other purposes.	So much as has not already been repealed.
III of 1885 ...	An Act to provide for the occasional appointment of a Deputy Municipal Commissioner for the City of Bombay.	The whole.
I of 1886 ...	An Act to remove certain doubts in the construction of section 9B. of the Bombay Municipal Acts of 1872 and 1878.	The whole.
II of 1886 ...	An Act to enable the Municipal Corporation of the City of Bombay to raise increased revenue from town-duties.	The whole.

SCHEDULE B.

(See section 24.)

DIVISION OF THE CITY INTO WARDS.

Consecutive Number.	Name of Ward.	Boundaries.				Number of members of the Corporation to be elected for each Ward.
		On the North.	On the South.	On the East.	On the West.	
1	Fort and Harbour Ward (includes the southern portion of the island within the boundaries here specified and the entire harbour.	A line starting from the harbour and extending along the north wharf of Carnac Basin, the south side of Carnac Road and of First Marine Street, and continuing thence to Back Bay.	The sea	The harbour	Back Bay	Six.
	Mándvi Ward ...	A line starting from the harbour and extending along the south wharf of Clerk Basin, the south side of Wári Bandar Road, and the east side of Hancock Bridge and of Mázgaon Road to the junction of the latter with Babula Tank Road, thence along the south side of Babula Tank Road to Bhendy Bázár, Parel Road.	A line starting from the harbour and extending along the north wharf of Carnac Basin, and the north side of Carnac Road as far as Abdul Rehman Street.	The harbour from the south wharf of Clerk Basin to the north wharf of Carnac Basin.	A line starting from Babula Tank Road and extending along the east side of Bhendy Bázár, Parel Road, and the east side of Abdul Rehman Street as far as Carnac Road.	Eight.
	Bhuleshwar Ward .	A line starting from the west side of Bhendy Bázár, Parel Road, and extending along the south side of Grant Road as far as the north-west corner of Northbrook Garden.	The north side of Carnac Road from Abdul Rehman Street, and the north side of First Marine Street and line continuing thence to Back Bay.	The west side of Bhendy Bázár, Parel Road, and of Abdul Rehman Street as far as Carnac Road.	A line starting from the north-west corner of Northbrook Garden, Grant Road, and extending along the east side of Trimbak Parashram Street, Ardesir Dady	Eight.

SCHEDULE B—*concluded.*

Consecutive Number.	Name of Ward.	Boundaries.				Number of members of the corporation to be elected for each Ward.
		On the North.	On the South.	On the East.	On the West.	
					Street, passing thence along the north-east side of part of Bhuleshwar Street to the junction of that street and Thakurdwar Street and extending along the south side of the latter as far as Queen's Road, and continuing thence to Back Bay.	
4	Girgaon Ward ...	A line starting from the north-west corner of Trimbak Parashram Street and extending along the south side of Grant Road as far as the B. B. & C. I. Railway, and again from the B. B. & C. I. Railway level crossing on Clerk Road along the south side of Clerk Road as far as the south end of Hornby Vellard.	Back Bay from a point opposite to Thakurdwar Street to Malabár Point.	A line starting from Back Bay at a point opposite Thakurdwar Street, and extending along the north side of Thakurdwar Street; south-west side of part of Bhuleshwar Street as far as the southern end of Ardesir Dady Street; thence along the west side of the latter and Trimbak Parashram Street as far as Grant Road; again from the Grant Road Railway Bridge along the west side of the B. B. & C. I. Railway Line as far as the Clerk Road level crossing.	The sea from Malabár Point to the south end of Hornby Vellard.	Five.

(Sch. B.—Division of the City into Wards.)

5	Byculla Ward ...	A line starting from the harbour and extending along the south wharf of Bellair Basin, the south side of Siwri Road and the south side of Kala Choki Road as far as the Chinchpokli Station level crossing on Arthur Road.	A line starting from the harbour and extending along the north wharf of Clerk Basin, the north side of Wári Bandar Road, the west side of Hancock Bridge and of Mazgaon Road to the junction of the latter with Babula Tank Road, thence along the north side of Babula Tank Road and Grant Road as far as the east side of the B. B. & C. I. Railway Line.	The harbour from the north wharf of Clerk Basin to the south wharf of Bellair Basin.	A line starting from the Grant Road Railway Bridge and extending along the east side of the B. B. & C. I. Railway Line as far as the Clerk Road level crossing, thence along the south side of Clerk Road and the east side of Arthur Road as far as the Chinchpokli Station level crossing.	Five.
6	Parel Ward ...	The northern boundary of the city from the east side of the G. I. P. Railway Line as far as the harbour.	A line starting from the harbour and extending along the north wharf of Bellair Basin, the north side of Siwri Road and the north side of Kala Choki Road as far as the Chinchpokli Station level crossing on Arthur Road.	The harbour from the north wharf of the Bellair Basin as far as the northern boundary of the city.	The east side of the G. I. P. Railway Line from the Chinchpokli Station level crossing as far as the northern boundary of the city.	Two.
7	Máhim Ward ...	The northern boundary of the city from the west side of the G. I. P. Railway Line as far as Máhim Causeway.	The north side of Arthur Road and Clerk Road from the Chinchpokli Station level crossing to the south end of Hornby Vellard.	The west side of the G. I. P. Railway Line from the Chinchpokli Station level crossing as far as the northern boundary of the city.	The sea from the south end of Hornby Vellard as far as Máhim Causeway.	Two.

(Sch. C.—Form of Debenture.)

SCHEDULE C.

(See section 110.)

FORM OF DEBENTURE.

No. for Rs.

By virtue of the City of Bombay Municipal Act, 1888, we, the Municipal Corporation of the City of Bombay, in consideration of the sum of paid to us by *A. B.* of for the purposes of the said Act, promise to pay to the said *A.B.*, his heirs, executors, administrators and assigns, the said sum of , together with interest at the rate of per centum per annum, payable half-yearly on the day of and the day of .

And, by way of security for the said payment, we do hereby grant and assign unto the said *A. B.*, his heirs, executors, administrators and assigns such proportion of the moneys arising or accruing by virtue of the said Act from the (*taxes mortgaged*) as the sum aforesaid doth or shall bear to the whole sum which is or shall be borrowed on the credit of the said (*taxes*), to hold to the said *A. B.*, his heirs, executors, administrators and assigns, from the day of the date hereof until the sum aforesaid with interest for the same at the rate aforesaid shall be fully paid and satisfied;

And it is hereby declared that the said principal sum shall be repaid on the day of 18 at (*place of payment*).

Dated this day of 18 .

(*To be sealed with the common seal of the Corporation.*)

(*Signed*)

Municipal Commissioner on behalf of the Corporation.

This debenture has been sealed with the common seal of the Municipal Corporation of the City of Bombay in our presence:

(*Signed*)

1_____ } *Members of the Standing Committee.*

2_____ }

(Sch. D.—Form of Endorsement for Transfer of Debenture. Sch. E.—Form of Notice of Transfer to be given when the Transfer has been effected by Instrument.)

SCHEDULE D.

(*See section* 110.)

FORM OF ENDORSEMENT FOR TRANSFER OF DEBENTURE.

I, *A. B.*, in consideration of the sum of paid to me by *C. D.*, of , do hereby transfer to the said *C. D.*, his heirs, executors, administrators and assigns, the within security, and all my right, estate and interest in and to the money thereby secured in and to the (*taxes*) thereby assigned.

Dated this day of 18

(*Signed*) *A. B.*

SCHEDULE E.

(*See section 150.*)

FORM OF NOTICE OF TRANSFER TO BE GIVEN WHEN THE TRANSFER HAS BEEN EFFECTED BY INSTRUMENT.

To the Municipal Commissioner for the City of Bombay.

I, *A. B.*, hereby give notice, as required by section 149 of the City of Bombay Municipal Act of 1888, of the following transfer of property :—

Date of Notice.	Date of Instrument.	Name of vendor or Assignor.	Name of Purchaser or Assignee.	Amount of consideration.	Description of the Property.						If instrument has been registered, the date of Registration.	Remarks.
					Of what it consists.	Situation.	No. in Assessment Book.	Collector's No.	Dimensions of Land.	Boundaries.		

(*Signed*) *A. B.*

(Sch. F.—Form of Notice of Transfer to be given when the Transfer has taken place otherwise than by Instrument. Sch. G.—Tax on Vehicles and Animals.)

SCHEDULE F.

(See Section 150.)

FORM OF NOTICE OF TRANSFER TO BE GIVEN WHEN THE TRANSFER HAS TAKEN PLACE OTHERWISE THAN BY INSTRUMENT.

To the Municipal Commissioner for the City of Bombay.

I, *A. B.*, hereby give notice, as required by section 149 of the City of Bombay Municipal Act of 1888, of the following transfer of property:—

Date of Notice.	Name in which the property is at present entered in the Commissioner's Records.	To whose name it is to be transferred.	Description of the Property.						Remarks.
			Of what it consists.	Situation.	No. in Assessment Book.	Collector's No.	Dimensions of Land.	Boundaries.	

(*Signed*) *A. B.*

SCHEDULE G.

(See section 180.)

TAX ON VEHICLES AND ANIMALS.

Description of Vehicle or Animal.	Maximum Amount of Tax per Quarter.
	Rs. a. p.
Each four-wheeled vehicle, drawn or impelled by horses, ponies, mules, donkeys, bullocks or machinery	5 0 0
Each two-wheeled vehicle, drawn or impelled by horses, ponies, mules, donkeys, bullocks or machinery	3 0 0
Each vehicle drawn or impelled otherwise than by horses, ponies, mules, donkeys, bullocks or machinery	2 0 0
Each horse, pony or mule of a height of 12 hands or upwards ...	6 0 0
Each horse, pony or mule of a height of less than 12 hands ..	2 0 0
Each bullock or buffalo kept for draft or pack purposes ...	1 0 0
Each donkey kept for draft or pack purposes or for riding ...	1 0 0

(Sch. H.—Articles liable to payment of Town-duties. Sch. I.—Form of Notice of Demand.)

SCHEDULE H.

(*See section 192.*)

ARTICLES LIABLE TO PAYMENT OF TOWN-DUTIES.

Articles.	Maximum Rates of Town-duties leviable.
Grain of all sorts	6 annas per khandi.
Flour of all sorts	75 per centum of the rate at the time being levied on the grain from which the flour is prepared.
Wines and spirits	4 annas per imperial gallon.
Beer	6 pies per do.
[a]	
Sugar, molasses and gúr ...	8 annas per cwt.
Ghi	10 annas per Bombay maund.
Timber, exclusive of railway sleepers...	2½ per cent. of its market value.
Firewood	2 annas per khandi.

SCHEDULE I.

(*See section 202.*)

FORM OF NOTICE OF DEMAND.

To

A. B.

residing at

Take notice that the Municipal Commissioner for the City of Bombay demands from (*you*) the sum of due from (*you*) on account of (*here describe the premises, vehicle or animal on account of which the tax is leviable*) for the half-year (*or* quarter) commencing (*or* ending on) the day of 18 ; and that if the said sum is not paid into the municipal office at , or if sufficient cause for non-payment of the sum is not shown to the satisfaction of the Commissioner within fifteen days from the service of this notice, a warrant of distress will be issued for the recovery of the same, with costs.

Dated this day of 18 .

(*Signed*)

Municipal Commissioner for the City of Bombay.

[a] Portion repealed by Bom. Act IV of 1888, s. 7, is omitted.

(Sch. J.—Form of Distress Warrant. Sch. K.—Form of Inventory and Notice.)

SCHEDULE J.

(See section 203.)

FORM OF DISTRESS WARRANT.

To (*here insert the name of the officer charged with the execution of the Warrant.*)

Whereas *A. B.*, of , has not paid, or shown sufficient cause, to my satisfaction, for the non-payment of the sum of due for the tax* mentioned in the margin for the half-year (*or* quarter) commencing (*or* terminating) on the day of 18 , although the said sum has been duly demanded in writing from the said *A. B.*, and fifteen days have elapsed since the service of the notice of demand;

* Here describe the tax.

This is to command you to distrain the goods and chattels of the said *A. B.* (*or, as the case may be, any goods and chattels found on the premises in respect of which the said tax is due*) to the amount of the said sum of , and such further sum as may be sufficient to defray the costs of recovering the said amounts; and if within five days next after such distress the said sum shall not be paid, together with such further sum as shall be sufficient to defray the said costs, to sell the said goods and chattels: and having paid and deducted out of the proceeds of the sale the said sum of , and the cost of recovering the same, to return the surplus, if any, and if the same be demanded within one year from date of the sale, to the person whom you shall find in possession of the said goods and chattels.

If sufficient distress cannot be found of the goods and chattels of the said *A. B.* (*or* on the said premises, *as the case may be*), you are to certify the same to me together with this warrant.

Dated this day of 18 .

(*Signed*)

Municipal Commissioner for the City of Bombay.

SCHEDULE K.

(See section 205.)

FORM OF INVENTORY AND NOTICE.

To

A. B.

residing at

Take notice that I have this day seized the goods and chattels specified in the inventory beneath this, for the sum of due for the tax mentioned in the margin* for the half-year

* Here describe the tax.

(Sch. L.—Table of Fees payable in Distraints. Sch. M.—Purposes for which premises shall not be used without a License.)

(*or* quarter) commencing (*or* terminating) on the day of 18 ; and that unless you pay into the municipal office at the amount due, together with the costs of recovery, within five days from the day of the date of this notice, the goods and chattels will be sold.

Dated this day of 18 .

(*Signature of the officer executing the warrant.*)

INVENTORY.

(*Here state particulars of the goods and chattels seized.*)

SCHEDULE L.

(*See section 207.*)

TABLE OF FEES PAYABLE IN DISTRAINTS.

Sum distrained for.	Fee.
	Rs. a.
Under 5 Rupees	0 4
Rupees 5 and under 10 Rupees	0 8
„ 10 „ 15 „	0 12
„ 15 „ 20 „	1 0
„ 20 „ 25 „	1 4
„ 25 „ 30 „	1 8
„ 30 „ 35 „	1 12
„ 35 „ 40 „	2 0
„ 40 „ 45 „	2 4
„ 45 „ 50 „	2 8
„ 50 „ 60 „	3 0
„ 60 „ 80 „	3 12
„ 80 „ 100 „	4 8
Above 100 Rupees	5 0

The above fees are to include all expenses except when peons are kept in charge of property distrained, in which case four annas must be paid daily for each peon so employed.

SCHEDULE M.

(*See sections 394 and 395.*)

PURPOSES FOR WHICH PREMISES SHALL NOT BE USED WITHOUT A LICENSE.

(1) Casting metals;

(2) Manufacturing bricks or tiles;

(3) Packing, pressing, cleansing, preparing or manufacturing, by any process whatever, any of the following articles, *viz.*:—

Cloths in indigo or other colours.	Pottery.
Paper.	Silk.

(Sch. N.—Particulars to be specified in the Register of Births.)

(4) Storing, packing, pressing, cleansing, preparing or manufacturing, by any process whatever, any of the following articles, *viz.* :—

Blood.	Kerosine oil.
Bones.	Lime.
Candles.	Matches for lighting.
Catgut.	Manure.
Chemical preparations.	Meat.
China grass.	Nitro-glycerine.
Cocoanut fibre.	Oil.
*Cotton and cotton refuse or seed.	Oil-cloth.
Dammer.	Offal.
Dynamite.	Petroleum oil.
Fat.	Paraffin oil.
Fins.	Rags.
Fish.	Rosin.
Fireworks.	Rangoon or Burmah oil.
Flax.	Soap.
Fulminate of mercury.	Sulphur.
Gas.	Saltpetre.
Gun-cotton.	Spirits.
Gunpowder or blasting powder.	Skins.
Hemp.	Tallow.
Hides.	Tar or pitch.
Horns.	Tow.
Hoofs.	Turpentine.
Hair.	Wool.
Jute.	

* The storing of pressed bales of cotton is excepted.

SCHEDULE N.

(See section 444.)

PARTICULARS TO BE SPECIFIED IN THE REGISTER OF BIRTHS.

Serial number.
Date of birth.
Place of birth ... { District. / Sub-district. / Ward No. of house (*i.e. its distinguishing number under cl. (a) of s. 156*). / Street or wádi. / No. of house in street or wádi.
Parents { Names (and surnames, if any). / Occupation or profession. / Place of birth. / Duration of residence in Bombay ... ... { Years. / Months. / Days. }
Mother being ... { Only wife now alive. / One of two wives, both now alive. / One of three or more wives, all now alive. }
Mother being unmarried.
Child ... ... { Born alive. / Still-born. / Sex. / Race, caste or nationality. / Name, if any. }

NOTE.—In the case of the birth of a Hindu, the particular sub-division of his caste should be given. Christians should be separated into those of pure European parentage; those of mixed blood, viz., Indo-Europeans; and those of pure Asiatic parentage, viz., Native Christians. Negro-Africans or Siddis should be registered as such, and not as Mussalmans. In the case of Europeans, their religion should be specified.

(Sch. O.—Particulars to be specified in the Register of Deaths. Sch. P.—Certificate of Cause of Death.)

SCHEDULE O.

(See section 444.)

PARTICULARS TO BE SPECIFIED IN THE REGISTER OF DEATHS.

Serial number.

Date of death.

Abode ... ... { District. / Sub-district. / Ward No. of house (*i.e, its distinguishing number under cl. (a) of s. 156*), / Street or wádi, / No. of house in street or wádi.

Duration of residence in Bombay. { Years. / Months. / Days.

If a stranger to Bombay, or lately arrived, where from... { Village. / Táluka. / District.

Name (and surname, if any).

Sex.

Race, caste, or nationality.

Age ... { Years. / Months. / Days. / Still-born.

Occupation or profession of deceased or of his or her family.

Place of birth ... { If in Bombay ... ... { District. / Street or wádi. / No. of house. / If out of Bombay ... ... { Village. / Táluka, / District.

Country to which family belongs.

Cause of death.

Duration of disease. { Years. / Months. / Days. / Hours.

Name and residence of medical attendant.

Place of disposal of dead, No. ... ... { Buried. / Burnt. / Exposed.

SCHEDULE P.

(See section 450.)

CERTIFICATE OF CAUSE OF DEATH.

I do hereby certify that I attended the deceased during his last illness, and that the cause of his death was, to the best of my belief, (*here state particulars*).

Date

(*Signed*)

Medical Designation or Diploma.

(Sch. Q.—Form certifying Name given in Baptism.
Sch. R.—Transitory Provisions.)

HEDULE Q.

(See section 453.)

FORM CERTIFYING NAME GIVEN IN BAPTISM.

I, , of , do hereby certify that on the 18 , I baptized by the name of a male child produced to me by as the of ; and declared by the said to have been born at on the 18 .

(Signed by Officiating Minister.)

Date

Form certifying Name given not in Baptism.

I, , do hereby certify that the male child born on the 18 , at , to and his wife, and registered in the district of on the 18 , has received the name of

(Signed by father or mother, &c.)

Date

SCHEDULE R.

(See section 528.)

TRANSITORY PROVISIONS.

[*1, 2, 3, 4, 5 and 6.*] *Repealed by Act XVI of 1895.*

Personal allowance to present Municipal Secretary.

7. The standing committee may, with the approval of the corporation, grant to the municipal secretary, in addition to his maximum monthly salary of one thousand rupees, a personal allowance not exceeding two hundred rupees monthly in consideration of such secretary's long and approved service, so long as the office is held by the same person who on the day when the Bombay Municipal Acts Amendment Act, 1882,[a] came into force was secretary of the town council and clerk of the municipal corporation.

Bom. VI of 1882.

[*8, 9, 10, 11, 12 and 13.*] *Repealed by Act XVI of 1895.*

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[a] Bom. VI of 1882 is repealed by section 2 of this Act.

(Sch. S.—Drainage Completion Certificate. Sch. T.—Building Completion Certificate.)

SCHEDULE S. [a]

(See section 259A, sub-section (3).)

DRAINAGE COMPLETION CERTIFICATE.

I do hereby certify that the following work (*insert full particulars of the work*)

has been completed to my satisfaction; that the workmanship and the whole of the materials used are good; and that no provision of the Act or the by-laws, and no requisition made, condition prescribed or order issued thereunder, has been transgressed in the course of the work.

(*Signed*)

(*dated*)

SCHEDULE T. [b]

(See section 353A, sub-section (1).)

BUILDING COMPLETION CERTIFICATE.

I do hereby certify that the following building work (*insert full particulars of the work*)

has been supervised by me and has been completed to my satisfaction; that the workmanship and the whole of the materials used are good; and that no provision of the Act or the by-laws, and no requisition made, condition prescribed or order issued thereunder, has been transgressed in the course of the work.

(*Signed*)

(*dated*)

[a] Schedule S was added by Bom. V of 1905, s. 60.
[b] Schedule T was added by Bom. V of 1905, s. 60.

B 1362—43

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

GOVERNMENT OF BOMBAY.

LEGISLATIVE DEPARTMENT.

ACT No. XX OF 1896.

THE SIND INCUMBERED ESTATES ACT, 1896.

AS MODIFIED UP TO 1st JUNE 1906.

BOMBAY:
PRINTED AT THE GOVERNMENT CENTRAL PRESS
1906.

PREFACE.

The Sind Incumbered Estates Act, 1896 (XX of 1896), has been repealed in part and amended by Act II of 1906.

In reprinting the Act, repealed matter has been omitted, and amendments inserted, with explanatory foot-notes.

THE SIND INCUMBERED ESTATES ACT, 1896.

CONTENTS.

CHAPTER I.

PRELIMINARY.

SECTIONS.

1. Title and commencement.
2. Definitions.

CHAPTER II.

OF THE APPLICATION AND PRELIMINARY INQUIRY.

3. Application for the benefit of this Act.
4. Order to inquire.
5. Interim order of protection.
6. Verified statement to be submitted.
7. Report of inquiry and proceedings thereon.

CHAPTER III.

OF THE ORDER OF MANAGEMENT.

8. Order of management.
9. Effect of order of management.
10. Powers of manager.
11. Payments to be made by manager and order thereof.

CHAPTER IV.

PROOF OF DEBTS AND SCHEME FOR LIQUIDATION.

12. Notice to claimants against debtor.
13. Claimant to present full particulars and documents.
14. Claim not duly notified to be barred.
15. Determination of debts and liabilities.
16. Power to rank debts and to fix interest.
17. "Liquidation-scheme."

SECTIONS.

18. Proceedings of Commissioner on submission of liquidation-scheme.
19. Power to relinquish management.

CHAPTER V.

OF THE PROCEEDINGS SUBSEQUENT TO SANCTION OF THE LIQUIDATION-SCHEME.

20. Effects of sanctioning scheme.
21. Power to remove mortgagee in possession.
22. Power to inquire into consideration given for leases.
23. Power to lease.
24. Power to raise money by mortgage or sale.
25. Separation of part of jágír lands subject to lapse.
26. Manager's receipt to be a discharge.
27. Termination of management.
28. Death of debtor during management.
29. Mortgages, etc., made by restored jágírdár valid only for his life.
30. Power to revise liquidation-scheme.

CHAPTER VI.

OF APPEAL AND REVISION.

31. Appeal.
32. Power to call for proceedings and pass order thereon.

CHAPTER VII.

MISCELLANEOUS.

33. Power to make rules.
34. Power to appoint new manager.
35. Managers to be public servants.
36. Investigation to be deemed a judicial proceeding.
37. Power to summon witnesses and compel production of documents.
38. Bar of suits.
39. Saving of jurisdiction of Courts in Sind in respect of certain suits.

ACT No. XX OF 1896.

Received the assent of the Governor General on the 16th October, 1896.

An Act to amend the law providing for the relief of Jágírdárs and Zamíndárs in Sind.

WHEREAS it is expedient to amend the law providing for the relief of jágírdárs and zamíndárs in Sind; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Title and commencement.

1. (*1*) This Act may be called the Sind Incumbered Estates Act, 1896; and

(*2*) It shall come into force at once.

Definitions.

2. In this Act—

(*1*) "jágír land" includes also a share held hereditarily of the revenues of a Government village, but does not include *siri* or *mámul* or garden grants:

(*2*) "jágírdár" means a person who, or whose ancestor, was found in possession of jágír land in Sind on the seventeenth day of February, 1843, and to whom the said land, or a portion of the same, or other land in lieu thereof, has been continued by the British Government, [a] as a jágír [a]:

(*3*) "zamíndár" means a person holding lands in Sind on the aggregate of which he or his ancestor has been assessed by the Government, on account of land-revenue for any one of the five revenue-years next before the [b] making of an application under section 3 by or in respect of or on behalf of such person [b] a sum not less than three hundred rupees; and a person holding lands in Sind which, having been comprised in the jágír lands of a jágírdár, and

[a-a] These words were substituted for the original words by Act II of 1906, s. 2 (*a*).

[b-b] These words and figure were substituted for the original words by Act II of 1906, s. 2 (*b*).

having ceased to be jágír lands, are assessed by the Government on account of land-revenue at a sum not less than three hundred rupees per year, and, where a joint family or any other body of co-owners hold lands of either of those descriptions, each member of that family or body who would be entitled to demand a partition of the lands: and

(*4*) "Commissioner" means the Commissioner in Sind.

CHAPTER II.

OF THE APPLICATION AND PRELIMINARY INQUIRY.

Application for the benefit of this Act.

3. (*1*) At any time after the commencement of this Act, any jágírdár or zamíndár, or any person who would be sole heir or one of the heirs to such jágírdár or zamíndár if he then died intestate, may apply in writing to the Commissioner, stating that such jágírdár or zamíndár is subject to debts or liabilities, other than debts due, or liabilities incurred, to Government, or that his immoveable property is charged with debts or liabilities other than as aforesaid, and requesting that the provisions of this Act be applied to his case.

(*2*) When any jágírdár, zamíndár or other person entitled to make an application under this section is a minor, or of unsound mind, or an idiot, such application may be made on his behalf by the guardian or other legal curator of his person, or by the legally constituted administrator or manager of his estate.

Order to inquire.

4. (*1*) When any such application is made by or on behalf of a jágírdár, or the person who would be his sole heir if he then died, the Commissioner shall direct an inquiry to be made by such officer as he thinks fit into the nature and amount of such debts and liabilities, and the sufficiency of the debtor's property, whether moveable or immoveable, to discharge the same.

(*Chapter II.—Of the Application and Preliminary Inquiry.—Section 5.*)

(*2*) When such an application is made in any other case, it shall be in the discretion of the Commissioner, subject to any general rules which may from time to time be made by the Governor of Bombay in Council in this behalf, either to reject such application or to direct an inquiry to be made as aforesaid.

Interim order of protection.

[a] **5.** (*1*) When the Commissioner has directed an inquiry under section 4, he may, if he thinks fit, further direct that, until he dismisses the application or appoints an officer under section 7, sub-section (*2*), clause (*c*),—

(*a*) all proceedings then pending in any Civil or Revenue Court or Office in British India, in respect of any of the debts and liabilities to which the debtor is subject, or which are charged on the whole or any part of his immoveable property, shall be stayed, and the operation of all processes, executions and attachments then in force for, or in respect of, such debts and liabilities shall be suspended; and

(*b*) no fresh proceedings, processes, executions or attachments shall be instituted in, or issued by, any Civil Court or Revenue Court or Office in British India in respect of such debts and liabilities.

[b] (*2*) Every direction given under sub-section (*1*) shall be deemed to afford protection to sureties of the debtor as well as to the debtor himself, unless in any case a surety has, by his bond, expressly accepted liability thereunder in the event of an order being made in respect of the debtor's property under section 7, sub-section (*2*), clause (*c*).

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[a] Section 5 was re-numbered section 5 (*1*) by Act II of 1906, s. 3.

[b] Sub-section (*2*) was inserted by Act II of 1906, s. 3.

(*Chapter II.—Of the Application and Preliminary Inquiry.—Sections 6-7.*)

Verified statement to be submitted.

6. (*1*) When an inquiry has been directed under section 4, the applicant shall, within a period to be fixed by the Commissioner, submit to the officer appointed to make such inquiry a statement duly verified by the said applicant, or by some other competent person, in the manner required by law for the verification of plaints and containing, so far as may be practicable, such details as to the debts and liabilities, and as to the sufficiency of the debtor's property, whether moveable or immoveable, to meet the same, as the Commissioner, or the said officer subject to his control, may require.

(*2*) If any such statement contains any averment which the person making the verification knows or believes to be false, or does not know or believe to be true, such person shall be deemed to have intentionally given false evidence within the meaning of the Indian Penal Code. XLV of 1860.

Report of inquiry and proceedings thereon.

7. (*1*) The officer so appointed, after making inquiry, shall submit a report of the proceedings to the Commissioner.

(*2*) On receipt of such report, the Commissioner may—

(*a*) direct a further inquiry; or

(*b*) dismiss the application; or,

(*c*) by order published in the *Sind Official Gazette*, appoint an officer (hereinafter called the manager) to manage the immoveable property of the debtor, and to arrange for the liquidation of his debts in manner hereinafter provided.

(Chapter III.—Of the Order of Management.—Sections 8-9.)

CHAPTER III.

OF THE ORDER OF MANAGEMENT.

Order of management.

8. (*1*) An order made under section 7, sub-section (*2*), clause (*c*) (hereinafter called "the order of management"), shall extend to all immoveable property, including any interest in joint immoveable property, of or to which the debtor is on the date of its publication possessed or entitled in his own right, or which he is entitled to redeem, or which may be acquired by or devolve on him during the continuance of the management, and to all debts and liabilities to which he is subject, or which are charged on the whole or any part of his immoveable property on the said date, and to the amount of any loan which may be received by the manager in the manner hereinafter provided.

(*2*) The management shall be deemed to commence from the date on which the order is published.

Effect of order of management.

9. On the publication of the order of management the following consequences shall ensue :

(*1*) all proceedings then pending in any Civil Court or Revenue Court or Office in British India in respect to the debts and liabilities mentioned in section 8 shall be stayed ; and the operation of all processes, executions and attachments then in force for, or in respect of, such debts and liabilities shall be suspended ;

(*2*) so long as the management continues, no fresh proceedings, processes, executions or attachments shall be instituted in or issued by any Civil Court or Revenue Court or Office in British India in respect of such debts and liabilities ;

[a] (*2a*) clauses (*1*) and (*2*) shall be deemed to afford protection to sureties of the debtor as well as to the debtor himself, unless in any case a surety has, by his bond, expressly accepted liability there-

[a] Clause (*2a*) was inserted by Act II of 1906, s. 4.

under in the event of an order being made in respect of the debtor's property under section 7, sub-section (*2*), clause (*c*);

(*3*) so long as the management continues, the debtor shall be incompetent—

(*a*) to enter into any contract involving him in pecuniary liability, or

(*b*) to mortgage, charge, lease or alienate the property under management or any part thereof, or

(*c*) to grant valid receipts for the rents and profits arising or accruing therefrom:

Provided that nothing contained in this clause shall be deemed to preclude the manager from letting, and the debtor from taking, the whole or any part of such property on such terms consistent with this Act as may be agreed upon between the parties;

(*4*) so long as the management continues, no person other than the manager shall be competent to mortgage, charge, lease or alienate such property or any part thereof.

Powers of manager.

10. The manager shall, during the management of the property, have all powers which the owner thereof might, as such, have legally exercised, and shall receive and recover all rents, [a] profits and other sums [a] due in respect of the property under management, and for the purpose of recovering such rents, [a] profits and other sums [a] shall have, in addition to any powers possessed by a jágírdár or zamíndár, as the case may be, all the powers possessed by a Collector under the law for the time being in force for the recovery of land-revenue due to Government, [b] including the power conferred by section 176 of the Bombay Land-Revenue Code, 1879, [b]:

Bom. V of 1879.

[a-a] These words were substituted for the original words by Act II of 1906, s. 5 (*a*).

[b-b] These words were inserted by Act II of 1906, s. 5 (*b*).

(*Chapter III.—Of the Order of Management.—Section 11. Chapter IV.—Proof of Debts and Scheme for Liquidation.—Section 12.*)

Provided that he shall not, before the liquidation-scheme hereinafter mentioned has been sanctioned, demise the property under management, or any part thereof, for any term exceeding two years, to take effect in possession.

Payments to be made by manager and order thereof.

11. (*1*) From the sums received or recovered under section 10, the manager shall pay—

first, the costs of the management, including the costs of necessary repairs;

secondly, the Government revenue and all debts and liabilities for the time being due or incurred to Government in respect of the property under management;

thirdly, the rent (if any) due to the jágírdár or other superior holder in respect of the said property;

fourthly, such periodical allowances as the Commissioner may from time to time fix for the maintenance of the debtor and his family;

fifthly, the cost of such improvements of the said property as he thinks necessary, and are approved by the Commissioner.

(*2*) The residue shall be retained by the manager for the liquidation, in manner hereinafter provided, of the debts and liabilities mentioned in section 8 other than those so due or incurred to Government, and also for the repayment, either before or after the liquidation of such debts and liabilities, of any loan received by the manager under this Act.

CHAPTER IV.

PROOF OF DEBTS AND SCHEME FOR LIQUIDATION.

Notice to claimants against debtor.

12. On the publication of the order of management, the manager shall publish in the *Sind Official Gazette* a notice in English and Sindhí, calling upon all persons having claims against the debtor, or the

property under management, to notify the same in writing to such manager within six months from the date of the publication, and shall also cause copies of such notice to be exhibited at the mukhtyárkárs' kacherís in the district in which the said property lies, and at such other places as he thinks fit.

Claimants to present full particulars and documents.

13. (*1*) Every such claimant shall, along with his claim, present full particulars thereof.

(*2*) Every document on which the claimant founds his claim, or on which he relies in support thereof, shall be delivered to the manager along with the claim.

(*3*) If the document is an entry in any book, the claimant shall produce the book to the manager, together with a copy of the entry on which he relies. The manager shall mark the book for the purpose of identification, and, after examining and comparing the copy with the original, shall return the book to the claimant.

(*4*) If any document in the possession or under the control of the claimant is not delivered or produced by him to the manager along with the claim, the manager may refuse to receive such document in evidence on the claimant's behalf at the investigation of the case.

Claim not duly notified to be barred.

14. Every such claim (other than claims of the Government) not notified to the manager within the time and in the manner required by such notice shall, except as provided in section 19, clause (*d*), be deemed for all purposes and on all occasions, whether during the continuance of the management or afterwards, to have been duly discharged:

Provided that, when proof is made to the manager that the claimant was unable to comply with the provisions of section 12, the manager may receive such claim within the further period of six months from the expiration of the original period of six months.

(Chapter IV.—Proof of Debts and Scheme for Liquidation.—Sections 15-18.)

Determination of debts and liabilities.

15. The manager shall inquire into the history and merits of every claim received under sections 12 and 14, and shall, in accordance with the rules to be made under this Act, determine the amount of the debts and liabilities (if any) justly due to the several claimants.

Power to rank debts and to fix interest.

16. If such amount cannot be paid at once, the manager shall then proceed to rank such debts and liabilities according to the order in which they shall be paid, and to fix the interest (if any) to be paid thereon, respectively, from the date of the final decision thereon to the date of the payment and discharge thereof.

"Liquidation-scheme."

17. (*1*) When the total amount of the debts and liabilities (including those due and incurred to Government) has been finally determined, the manager shall prepare and submit to the Commissioner a schedule of such debts and liabilities, and a scheme (hereinafter called the liquidation-scheme) showing the mode in which it is proposed to pay and discharge the same, whether from the income of the property under management, or with the aid of funds raised under the powers hereinafter conferred, or partly in one of such ways and partly in the other.

(*2*) Every liquidation-scheme shall further provide for the continuance of the payments to be made by the manager under section 11, and for the repayment of the money (if any) which the manager proposes to borrow under this Act; and may provide for the improvement of the property under management either from the said income or with the aid of the funds raised as aforesaid, or partly in one of such ways and partly in the other.

Proceedings of Commissioner on submission of liquidation-scheme.

18. The Commissioner may—

(*a*) as often as he thinks fit send back such scheme to the manager for revision, and direct him to make such further inquiry as may be requisite for the proper preparation of the scheme, or

(Chapter IV.—Proof of Debts and Scheme for Liquidation.—Section 19. Chapter V.—Of the Proceedings subsequent to Sanction of the Liquidation-scheme.—Section 20.)

(*b*) sanction any liquidation-scheme or any revised liquidation-scheme submitted to him, either as it stands, or subject to such modifications as he may deem expedient.

Power to relinquish management.

19. (*1*) At any time before he has sanctioned a liquidation-scheme under section 18, the Commissioner may, by an order published in the *Sind Official Gazette*, direct that on a date fixed by such order the management shall be relinquished.

(*2*) On the date so fixed—

(*a*) the management shall terminate;

(*b*) the owner of the property under management shall be restored to the possession thereof, subject to any leases granted under section 10;

(*c*) any residue of the rents and profits of the said property retained under section 11, sub-section (*2*), shall be paid to him; and

(*d*) the proceedings, processes, executions and attachments stayed and suspended under section 9, and the debts and liabilities barred by section 14, shall revive.

(*3*) In calculating the periods of limitation applicable to suits to recover and enforce debts and liabilities revived under this section, the time during which the management has continued shall be excluded.

CHAPTER V.

OF THE PROCEEDINGS SUBSEQUENT TO SANCTION OF THE LIQUIDATION-SCHEME.

Effects of sanctioning scheme.

20. When the Commissioner sanctions the liquidation-scheme, he shall notify the fact of such sanction at such places and in such manner as the

(*Chapter V.—Of the Proceedings subsequent to Sanction of the Liquidation-scheme.—Sections 21-22.*)

Local Government may from time to time by rule direct; and thereupon—

(1) all proceedings, processes, executions and attachments stayed or suspended under section 9 shall be for ever barred, and

(2) every debt or liability due or owing to any person which was proveable before the manager shall be extinguished; and such person shall be entitled to receive under the liquidation-scheme the amount (if any) finally awarded to him under Chapter IV in respect of such debt or liability.

Power to remove mortgagee in possession.

21. (*1*) If the property under management or any part thereof is in the possession of a mortgagee or conditional vendee, the manager, at any time after the liquidation-scheme has been sanctioned as aforesaid, may, by an order in writing, require such incumbrancer to deliver up possession of the same to him at the end of the then current revenue-year.

(*2*) If such incumbrancer refuses or neglects to obey such order, the manager may, without resorting to a Civil Court, enter upon the property and summarily evict therefrom the said incumbrancer and any other person obstructing or resisting on his behalf.

(*3*) Nothing in this section shall be held to affect the right of any incumbrancer to receive, under the liquidation-scheme, the amount (if any) awarded to him under Chapter IV.

Power to inquire into consideration given for leases.

[a] **22.** (*1*) If the property under management or any part thereof is in the possession of any person claiming to hold under a lease,[b] the manager, with the sanction of the Commissioner, may inquire into the sufficiency of the consideration for which the lease was granted; and, if such consideration appears

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[a] Section 22 was re-numbered section 22 (*1*) by Act II of 1906, s. 6 (*a*).

[b] Words repealed by Act II of 1906, s. 6 (*b*), are omitted.

(*Chapter V.—Of the Proceedings subsequent to Sanction of the Liquidation-scheme.—Section 23.*)

to him insufficient, may by written order, at any time after the liquidation-scheme has been sanctioned as aforesaid, either set aside the lease or require the person so in possession to pay such consideration for the said lease as the manager thinks fit; and in default of such payment the lease shall be cancelled.

[a] (*2*) Whenever the manager sets aside or cancels a lease under sub-section (*1*), he shall, by written order, award to the lessee such compensation, if any, as may appear to the manager to be equitable in the circumstances; and, subject to the provisions of Chapter VI, no compensation in excess of the amount so awarded shall be recoverable by the lessee in a Civil Court or otherwise.

[a] (*3*) Any compensation awarded by the manager under sub-section (*2*) shall be deemed to be a debt mentioned in section 8, and shall rank in priority to all other debts and liabilities other than debts or liabilities due or incurred to Government.

[a] (*4*) If any lessee whose lease has been so set aside or cancelled refuses or neglects to give up possession when required to do so by the manager, the manager may, without resorting to a Civil Court, enter upon the property and summarily evict therefrom the said lessee and any other person obstructing or resisting on his behalf.

Power to lease.

23. Subject to the rules made under section 33, the manager, after the liquidation-scheme has been sanctioned as aforesaid, shall have power to demise all or any part of the property under management for any term of years not exceeding twenty years absolute, to take effect in possession, in consideration of the payment to him of any fine, or without fine, and reserving such rents, and under such conditions as may be agreed upon.

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[a] Sub-sections (*2*), (*3*) and (*4*) were inserted by Act II of 1906, s. 6 (*c*).

(*Chapter V.—Of the Proceedings subsequent to Sanction of the Liquidation-scheme.—Sections 24-26.*)

Power to raise money by mortgage or sale.

24. At any time after the liquidation-scheme has been sanctioned as aforesaid, the manager, with the previous assent of the Commissioner, shall have power to raise any money which may be required for carrying out such scheme—

(*a*) by demising by way of mortgage the whole or any part of the property under management for a term not exceeding twenty years from the publication of the order of management; or

(*b*) by selling, by public auction or by private contract, and upon such terms as the manager thinks fit, such portion of the said property as may appear expedient; or

(*c*) by borrowing money at such rate of interest as appears reasonable to the Local Government.

Separation of part of jágír lands subject to lapse.

25. When jágír land under management is held on this condition, that on the happening of a certain event a share of the land shall lapse, but that it shall be in the discretion of the person then entitled as jágírdár to divide off and relinquish in respect of the lapse such part of the land, being a fair equivalent of that share, as he thinks fit, the manager may, if he deems it convenient for the better exercise of the powers conferred by sections 23 and 24, at any time, after such consultation with persons interested as he thinks necessary, allot by written order, for relinquishment on the happening of the event, such part of the land as he thinks fit; and thereupon that part and no other shall, on the happening of the event, be relinquished.

Manager's receipt to be a discharge.

26. The manager's receipt for any moneys, rents or profits raised or received by him under this Act shall discharge the person paying the same therefrom and from being concerned to see to the application thereof.

(*Chapter V.—Of the Proceedings subsequent to Sanction of the Liquidation-scheme.—Sections 27-29.*)

Termination of management.

27. (*1*) When the debts and liabilities mentioned in the liquidation-scheme and the amount of any loan received under section 24, clause (*c*), together with the interest (if any) due thereon, have been paid and discharged, the manager shall publish in the *Sind Official Gazette* a notice fixing a date for the termination of the management.

(*2*) On the date so fixed the management shall terminate, and the owner shall be restored to the possession and enjoyment of the property under management, or of such part thereof as has not been sold by the manager under the power conferred by section 24, but subject to the leases and mortgages (if any) granted and made by the manager under the powers conferred by sections 10, 23 and 24.

Death of debtor during management.

28. If the debtor dies after the publication of the order of management and before the management has been terminated in either of the modes hereinbefore provided,—

(1) the management shall continue and proceed in all respects as if such debtor were still living;

(2) any person succeeding to the whole or any portion of the property under management shall, while such management continues, be subject in respect of such property to the disabilities imposed by section 9, clause (*3*), sub-clauses (*b*) and (*c*); and

(3) no Civil Court or Revenue Court or Office in British India shall, during the continuance of the management, issue any attachment or other process against any portion of the property under management for, or in respect of, any debt or liability incurred by any such person whether before or after his said succession.

Mortgages, etc., made

29. When a jágírdár or zamíndár has been restored under section 27, sub-section (*2*), to the pos-

(*Chapter V.—Of the Proceedings subsequent to Sanction of the Liquidation-scheme.—Section 30. Chapter VI.—Of Appeal and Revision.—Sections 31-32. Chapter VII.—Miscellaneous.—Section 33.*)

session of any property, no mortgage, charge, lease or alienation of such property, or of any part thereof, made or granted by such jágírdár or zamíndár shall be valid as to any time beyond his natural life. by restored jágírdár valid only for his life.

30. Notwithstanding anything contained in this Act, the Commissioner may, at any time after he has, whether before or after the commencement of this Act, sanctioned the liquidation-scheme, revise and modify the same, but not so as to affect the right of any person to receive in full before the termination of the management the amount finally awarded to him under Chapter IV. Power to revise liquidation-scheme.

CHAPTER VI.

OF APPEAL AND REVISION.

31. (*1*) An appeal against any decision or order under sections 14, 15, 16 and 22, and imposing a fine or imprisonment in exercise of the powers conferred by section 37, shall lie to the Commissioner, if preferred within six weeks from the date of such decision or order. Appeal.

(*2*) There shall be no appeal against the decision of the Commissioner on such appeal.

32. The Commissioner may, of his own motion or on the application of any person concerned, call for the proceedings in any case under this Act, and pass such order thereon consistent with the provisions of this Act as he thinks fit. Power to call for proceedings and pass order thereon.

CHAPTER VII.

MISCELLANEOUS.

33. (*1*) The Commissioner, with the previous sanction of the Governor of Bombay in Council, may, from time to time, make rules consistent with this Act— Power to make rules.

(*a*) to regulate the security to be required from subordinate officers under this Act;

(*b*) to regulate the procedure in all cases under this Act;

(*c*) for the guidance of officers inquiring into and determining on claims under Chapter IV; and in particular as to the allowance of interest (if any) on each of the principal debts and liabilities so determined, from the date on which it was incurred down to the date of the determination, and on the aggregate amount of such debts and liabilities, from the date of the determination down to the date of payment, and as to the order of paying debts and liabilities and repaying any loan received hereunder;

(*d*) for investing any moneys received or raised by the manager under this Act in any Government securities of British India, and for the sale of such securities; and

(*e*) generally to carry out the provisions of this Act.

(*2*) Such rules shall be published in the *Sind Official Gazette*, and shall thereupon have the force of law.

Power to appoint new manager.

34. Whenever the Commissioner thinks fit, he may suspend or remove any manager, and may appoint any officer in the stead of any manager appointed under this Act; and thereupon the management then vested under this Act in the former manager shall become vested in the new manager, and the new manager shall have the same powers as if he had been originally appointed.

Managers to be public servants.

35. Every manager appointed under this Act shall be deemed a public servant within the meaning of the Indian Penal Code. XLV of 1860.

Investigation to be deemed a

36. Every investigation conducted by the manager with reference to any claim preferred before him under this Act, or to any matter connected with any

such claim, shall be taken to be a judicial proceeding within the meaning of the Indian Penal Code. judicial proceeding.

XLV of 1860.

37. For the purposes of this Act, the manager may summon and enforce the attendance of witnesses and compel them to give evidence, and compel the production of documents, by the same means and, as far as possible, in the same manner, as is provided in the case of a Civil Court by the Code of Civil Procedure. Power to summon witnesses and compel production of documents.

XIV of 1882.

38. No suit or other proceeding shall be maintained against any person in respect of anything done by him *bonâ fide* pursuant to this Act. Bar of suits.

39. Nothing in this Act precludes the Courts in Sind having jurisdiction in suits relating to the succession to any immoveable property brought under the operation of this Act from entertaining and disposing of such suits; but to all such suits the manager of such property shall be made a party. Saving of jurisdiction of Courts in Sind in respect of certain suits.

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